



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

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**Date:** December 9, 2008  
**To:** Interested Person  
**From:** Chris Caruso, Land Use Services  
503-823-5747 / [Christine.Caruso@ci.portland.or.us](mailto:Christine.Caruso@ci.portland.or.us)

**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 08-158391 HDZM - DEKUM CORNER**

**GENERAL INFORMATION**

**Applicant:** Dave Spitzer  
DMS Architects, Inc.  
2440 NE MLK Blvd. #202  
Portland, OR 97212  
(503) 335-9040

**Representative:** Sakura Urban Concept, LLC  
2440 NE MLK Blvd. #201  
Portland, OR 97212  
(503) 335-9040

**Site Address:** 818 NE DEKUM ST

**Legal Description:** E 12.62' OF LOT 2 BLOCK 10, WOODLAWN; LOT 3 BLOCK 10 N 10' OF LOT 5&6 BLOCK 10, WOODLAWN

**Tax Account No.:** R925801700, R925801710

**State ID No.:** 1N1E14BC 07300, 1N1E14BC 07200

**Quarter Section:** 2331

**Neighborhood:** Woodlawn, contact Joellen Pail at 503367-4727.

**Business District:** North-Northeast Business Assoc, contact Joyce Taylor at 503-445-1321.

**District Coalition:** Northeast Coalition of Neighborhoods, contact Lauren McCartney at 503-823-4135.

**Plan District:** None

**Other Designations:** Woodlawn Conservation District

**Zoning:** CMh – Central Commercial with airport height overlay and historic resource protection overlay

**Case Type:** HDZM – Historic Design Review with Modifications

**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission

**Proposal:**

The proposal is for the renovation of and addition to an existing wood frame and stucco commercial building at the corner of NE Dekum and NE Durham Streets in the Woodlawn Conservation District. The existing triangular one-story building with large pyramidal skylight and punched openings will be renovated for up to 3 retail spaces. The vacant western sliver of the site, between two existing buildings, will be redeveloped with a 2-story infill piece containing 1 retail space and 3 apartments. This addition will be set back from the street and will extend to the southern portion of the site, behind an existing two-story house. A new sand-set paver and landscaped courtyard with integral stormwater planters will provide semi-private open space for residents. A portion of the former bakery chimney will be retained as a support for the exterior residential stairs. The courtyard will connect the southern half of the site with NE Durham Street via a wood trellis entry piece at the street edge.

The Dekum and Durham building elevations will be finished in stucco, similar to the finish of the existing building, and accented with a base of ceramic tile. All windows on the project will be aluminum. The NE Durham elevation will feature two large glazed overhead doors that will open the retail spaces up to the street as well as a new large glazed retail lobby entrance. The remainder of the Durham elevation retains the existing punched opening look with square inset windows. The parapet will be extended along both street facades to provide a guardrail for the second level balcony. Inset street level retail entrances will be further accentuated by a continuous eyebrow roof running the length of Dekum and Durham. The interior courtyard elevations will have painted wood siding in keeping with the existing siding present on the commercial building and painted metal railings at balconies and exterior stairs. Multiple solar panels will be placed on the roof of the addition.

One Modification is being requested and includes:

1. Reducing the setback between the trash enclosure abutting the side lot line of an R zoned site from 5 feet to 0 feet [33.130.215].

New construction and renovation of structures in the Woodlawn Conservation District requires historic 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:

- 33.846 Historic Reviews
- 33.846.070 Modifications Considered During Historic Design Review
- Community Design Guidelines

**ANALYSIS**

**Site and Vicinity:** The 6,762 SF commercial site is located in the original business center of the Woodlawn Neighborhood, at the prominent corner of NE Dekum and NE Durham Streets, now part of the Woodlawn Conservation District. The site contains a triangular one story wood-framed, stucco-covered commercial building with partial parapet and large pyramidal skylight built in 1911 and a vacant sliver to the west that housed a recently demolished adjacent commercial structure. There is also an existing 1916 single family house on the southeastern portion of the site which will remain. Properties to the north and west include the recently revitalized fire house-turned-restaurant, a new coffee shop, and several underutilized streetcar-era commercial buildings. Adjacent properties to the south are single-family houses. Structures range in age from 1893 to 1982.

The original area known as Woodlawn was platted in 1888 and offered for public sale by the Oregon Land and Investment Company, organized by George H. Durham, H.C. Straton, and Frank Dekum. The two streets where the subject site is located still bear the names of Dekum

and Durham. The streets of Woodlawn were laid out in relation to the Portland and Vancouver Railway, which ran past the neighborhood, curving toward the northeast to a connection with the Columbia River Ferry. The city streetcar system also followed the same route past Woodlawn. Woodlawn was added to the City of Albina in 1887, and then Albina was annexed to Portland in 1891. By 1897, Woodlawn boasted a thriving business district, with most activity concentrated along NE Dekum and Durham Streets. The neighborhood has undergone considerable change in the past several decades. In the late 1960s, Woodlawn participated in the federal government's Model Cities Program, which aimed to revitalize ailing neighborhoods and initiate neighborhood planning processes. As part of this program, Woodlawn's first neighborhood plan was written in 1968. The second neighborhood plan was written and adopted in 1993. The Bureau of Planning recently completed the 2008 Woodlawn Triangle Area Master Plan, another community-level study, that reinforced the importance of this intersection with the potential creation of a community bike parking hub along NE Durham, the desire for street trees and sidewalk improvements along Dekum and traffic calming measures such as a tree-planted median where Durham meets Dekum.

Portland's Transportation System Plan classifies NE Dekum Street as a Neighborhood Collector Street, Transit Access Street and City Bikeway. NE Durham Avenue is designated a Local Service Bikeway. The site is within the Woodlawn Pedestrian District. Tri-Met bus number 8 operates on NE Dekum Street.

**Zoning:** The CM zone promotes development that combines commercial and housing uses in a single building. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. The emphasis of the nonresidential uses is primarily on locally oriented retail, service, and office uses. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk, especially at corners.

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.

The Aircraft Landing ("h") overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation. The allowed height limit for buildings and vegetation on the site per the "h" overlay is 230 feet above the lowest base point at Portland International Airport. The airport low base point is at an elevation of 18.3 feet. Therefore, the topographical elevation of the site PLUS the proposed building cannot exceed 248.3 feet. The highest ground elevation on the site is approximately 138 feet. Therefore, buildings and vegetation on the site cannot exceed 110.3 feet in height. On this site, however, the base zone (R5) height limit of 30 feet is more restrictive than the 'h' overlay allows and cannot be exceeded without a future adjustment review.

**Land Use History:** City records indicate that there are no prior land use reviews.

**Agency Review:** A *Notice of Proposal in Your Neighborhood* was mailed on **October 29, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Life Safety (Building Code) Section of the Bureau of Development Services.

The Bureau of Environmental Services responded with the following comment. Please see Exhibit E-1 for additional details.

BES has reviewed the revised plans and stormwater report submitted the applicant. The piped overflow from the planter has been removed and an overland emergency overflow is now shown, which is acceptable to BES. BDS Site Development has approved the pervious

pavers in the courtyard. Approval of this project is subject to BES building plan review under 08-170699-CO. BES has no further objections to this historic design review.

The Urban Forestry Division of Portland Parks & Recreation responded with the following comment. Please see Exhibit E-2 for additional details.

3" minimum caliper street trees are required.

The Bureau of Transportation Engineering & Development Review responded with the following comment. Please see Exhibit E-3 for additional details.

Portland Transportation has no concerns with this development that are specifically related to the Design Review approval criteria. The following comments are provided to aid the applicant in future building permit phases of the development in compliance with Title 17. The following comments may impact the building design.

- 1) The existing NE Dekum Street 20-foot wide sidewalk corridor exceeds City guidelines; however, a street tree will need to be added to the furnsighing zone along the frontage as required by the Urban Forester. No additional right-of-way dedication will be required. If the curbs and/or sidewalks along the site frontage are in disrepair or become damaged during construction the frontages will be required to be repaired to the standards of the City Engineer.
- 2) The existing NE Durham Avenue 20-foot wide sidewalk corridor exceeds City guidelines; however, street trees will need to be added to the furnsighing zone along the frontage as required by the Urban Forester. No additional right-of-way dedication will be required. If the curbs and/or sidewalks along the site frontage are in disrepair or become damaged during construction the frontages will be required to be repaired to the standards of the City Engineer.
- 3) Any proposed building encroachments into public right-of-way need to be labeled and dimensioned on the plans. Any encroachments will require PDOT approval.
- 4) 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.
- 5) Transportation System Development Charges (Section 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 503-823-7080.

The Site Development Review Section of BDS responded with the following comment. Please see Exhibit E-4 for additional details.

Site Development has reviewed and approved revised plans and supporting stormwater report calculations submitted by the applicant for building permit 08-170699-CO. Stormwater treatment and on-site infiltration utilizing an infiltration planter and pervious pavement in the courtyard is acceptable. Please note that no eco-roof has been included in the plans, although one had been shown on one of the cross-section drawings included with the Notice for this proposal. Site Development can now support the proposed Design Review provided that the design is consistent with the building permit plans that have been approved. Please direct any questions to George Helm, (503) 823-7201.

**Neighborhood Review:** A *Notice of Proposal in Your Neighborhood* was mailed on **October 29, 2008**. No written comments in response to the proposal have been received from the neighborhood association (Woodlawn). Two written responses have been received from notified property owner in response to the proposal.

Pete Ficht, in a letter received at BDS on 11/5/2008 outlined the following concerns:

- Privacy issue – proposed location of windows on south elevation of the new residential units will overlook adjacent property;
- Close location of the proposed courtyard could increase noise and disturb adjacent residential properties;

- Location of the garbage bins near residential properties a potential source of odor and vermin.

*Staff Comments: Privacy is often a concern with new development in Portland's established neighborhoods and creative solutions to this issue are encouraged while trying to fulfill Portland's Comprehensive Plan goals around density and infill. The development orients the most public residential spaces such as balconies, stairs and entries toward the interior courtyard and minimizes the number of windows that look directly into neighboring yards. The courtyard is intended for use by the residential tenants and will not be an outdoor seating area or other public nighttime activity zone. The trash enclosure is fully enclosed and roofed to help avoid unpleasant odors and animal problems and is placed at the property line to act as a buffer for the adjacent site which is approximately 5 feet higher than the courtyard's finished grade. Please see additional responses in the findings below.*

Ian Gelbrich, in a letter dated 11/18/2008 outlined the following concerns for the Woodlawn Neighborhood Association:

- Supportive of the revitalization of the existing building, the addition of retail to the neighborhood, and the new residential units;
- Worried about the long-term quality of the eyebrow roof and would like to see it replaced with deeper, more commercial-construction canopies at individual entries;
- Liked the original diamond detailing and open railing at the roof terrace;
- Would like to see larger glazed area at the building corner in place of the punched window openings;
- Encourages land use services to enforce the developer's use of a quality stucco system, not EIFS or synthetic stucco.

*Staff Comments: One of the goals of design review is to promote the use of quality, durable exterior materials such as the proposed stucco system. The eyebrow roof offers a simple yet effective way to lead the pedestrian around the corner to other active areas of the building and is a fairly common early 20<sup>th</sup> Century commercial building element. The project has been revised to add a third large glazed opening at the corner as suggested by the neighborhood association. The diamond accents and upper railing were removed to help simplify the building and not overpower its single-story street-level proportions. Please see additional responses in the findings below.*

## ZONING CODE APPROVAL CRITERIA

### I. 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 within a designated conservation district therefore the proposal requires Historic Design Review approval. Because of the site's location, the applicable design guidelines are the Community Design Guidelines.

#### Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and

conservation districts. 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 movement 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 has addressed only those guidelines considered applicable to this project.*

**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:** The remodel of the existing triangle building on the corner will retain the low-scale streetcar era development present in this part of Woodlawn. The new proposed infill building, which will be located on the adjacent 12'-6" wide lot will extend this character by filling in a gap on this block. A portion of the former bakery chimney is being retained and will be incorporated into the courtyard stairs. Many of the architectural materials, elements and patterns are incorporated directly from the existing commercial building or buildings located in the Woodlawn neighborhood. Several examples are as follows:

- Creating mixed-use infill development which helps to restore the historic pattern of urbanism in the Woodland Neighborhood;
- Placement of the new infill near the street lot line;
- Integrating site and architectural features characteristic of the area's period of historic significance such as wood siding, eyebrow roof forms, planar facades, punched window openings, storefront glazing, and stucco;

*This guideline is therefore 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 main entries for the commercial building are at the existing sidewalks along both Dekum and Durham Streets. The three new residential units are accessed by a pedestrian court that will have sand-set pavers leading to a semi-private courtyard behind the existing single-family house where residents and visitors may meet. A secondary entry for a portion of the commercial space is also located off this rear courtyard. New street trees will be provided along both street frontages to augment existing street trees and provide an additional pedestrian buffer from nearby vehicular traffic. *This guideline is therefore 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 design features, creating effective gathering places, and differentiating street level facades.

**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 for E3 and E5:** The existing commercial building and new infill building are placed at the street lot lines, creating an urban edge along Dekum and Durham while reinforcing the corner of this important intersection. Upper and lower portions of the building are differentiated by a continuous 2 foot deep eyebrow roof. The base of the building is further reduced in scale by a ceramic tile band. The eyebrow roof provides weather protection for pedestrians and also highlights the two recessed retail entries and two glazed overhead door sections along both streets. The recessed storefronts create a sense of enclosure and promote informal gathering when window shopping or moving between retail interiors and pedestrian areas. *These guidelines are therefore met.*

**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.

**Findings:** The existing commercial building and new infill piece is located at the street lot line along both Dekum and Durham Streets, reinforcing the urban edge of this important intersection. *This guideline is therefore 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 proposed development will occupy more than 50% of the site at the ground floor level. The un-built portion at the rear of the site is accessed from NE Durham via a wood loggia that leads to an interior courtyard made of sand-set pavers. Landscaping is provided along the southern property line behind the new infill building, along the edge of the existing commercial building, and by the retention of a large conifer near the center of the courtyard. The existing bakery chimney, new residential stairs and new storm water infiltration planter will be the centerpiece of the courtyard. All residential entries are connected to the courtyard which is directly accessible to the public right-of-way. *This guideline is therefore met.*

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

**Findings:** The main residential entrance is defined by a wood loggia at Durham Street leading to the paved pedestrian courtyard and then to the residential units. All main commercial entries are street-facing, open directly to the sidewalks and are located a short distance from a frequent service bus route. These commercial entries are fully accessible through appropriate grading or small ramps. Storefront windows provide views into active use interior spaces. Two large glazed overhead doors can be opened to the street, providing additional visual interest along the commercial storefront. *This guideline is therefore 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 applicant proposes to prevent crime through the revitalization (redevelopment) of the existing site. The street-facing level of the existing commercial building is dedicated to retail active uses and features large glazed storefront windows that allow views onto the streets. Exterior lighting will be provided at the retail entries as well as inside the courtyard. Balconies and windows in the new residential development provide additional eyes on the street and at the courtyard. A metal entry gate secures the sidewalk level main entrance to the residential portion of the site. *This guideline is therefore met.*

**D6. Architectural Integrity.** Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

**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.

**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 for D6, D7 and D8:** The historic streetcar era character of the development is respected by aligning the new retail portions of the infill structure with the existing building, borrowing proportions from surviving commercial historic structures, and using quality building materials already present in the area such as stucco, tile, lap siding, and aluminum storefront glazing. The existing parapet is extended across the infill development and the façade is divided into upper and lower sections by the projecting eyebrow roof. The upper story residential units are pulled back from the street lot line so they do not detract from the experience of this building as a simple one-story commercial structure. The rehabilitation of the commercial building also retains the mix of square punched window openings and full-height glazed storefront openings. Tenant signage is incorporated into the building façade and fits with the building's overall scale. The architectural design skillfully balances modern elements with historic references to commercial era buildings in the Woodlawn area. The resulting composition is a simple expression of the building program through its materiality and façade compositions that blends into the existing neighborhood. *These guidelines are therefore met.*

## II. 33.846.07 Modifications Considered During Historic Design Review:

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic design review process. These modifications are done as part of historic design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through historic design review may be requested as an adjustment through the adjustment process. The approval criteria for modifications considered during historic design review are:

- A. **Better meets historic design review approval criteria.** The resulting development will better meet the approval criteria for historic design review than would a design that meets the standard being modified; and
- B. **Purpose of the standard.**
  1. The resulting development will meet the purpose of the standard being modified; or
  2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

The following modification is requested:

**Modification #1: Minimum Setbacks, PZC 33.130.215 and Tables 130-3 & 130-4 - Reduce the required setback for lots abutting a side lot line of an R zoned lot from 5 feet to 0 feet along the trash enclosure.**

*Purpose Statement:* The setbacks requirements for areas that abut residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent residential zones.

- A. **Better meets design guidelines.** *The resulting development will better meet the applicable design guidelines; and*
- B. **Purpose of the standard.** *On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.*

*Standard:* The required setback abutting the side lot line of an R zoned lot is 5 feet for building walls 15 feet or less in height per Table 130-4.

**Findings:** The fully screened and roofed garbage and recycling enclosure will be located in the area of the old garage (now demolished) at the back of the existing driveway that serves the single-family house. This area is away from all commercial and residential entries and is located approximately 5 feet below the grade of the residential site to the south,

shielding a majority of the rear elevation of the trash enclosure from view by the adjacent neighbor. Placing the trash enclosure at the property line allows for a more useable outdoor area in the courtyard and avoids creating a narrow strip of landscaping abutting a raised grade line that could foster criminal behavior. The location of the trash enclosure better meets the applicable design guidelines, **D1:** *When sites are not fully built on, place buildings to create sizeable, useable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians; **D3:** *Enhance site and building design through appropriate placement, scale, and variety of landscape features;* and **D5:** *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.**

The reduced setback allows the development to be compatible with both the commercial and residential portions of the site by providing a physical buffer at the property line that is 5 feet below adjacent properties to the south. The overall solution is consistent with the purpose of the side setback. *This Modification therefore merits approval.*

## **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 Dekum Corner project combines the careful reuse of an existing streetcar era commercial building with the sensitive infill of a new retail and residential structure at the important Woodlawn Triangle intersection of NE Dekum and NE Durham Streets. The existing and portions of the new building are placed at the street lot line, reinforcing the urban characteristics of this area and enhancing the pedestrian experience. Large glazed storefront areas, recessed entries, and a continuous eyebrow roof define the different zones along the building's street-facing facades. The eyebrow roof below the parapet and the ceramic tile along the building base further defines the upper and lower portions of the buildings. New residential units are placed toward the rear of the site, adjacent to neighboring single-family homes, and are pulled away from the street to not overshadow the simple one-story commercial storefronts. The semi-private residential courtyard is defined by appropriately placed landscape elements and leads underneath a wooden loggia, through a metal gate, to the street. Exterior lighting along the building facades and inside the courtyard, as well as additional residential windows looking into the rear of the site promote overall site security. Area characteristics used in the development include stucco, tile, lap siding, metal stair rails and balconies, the eyebrow roof, aluminum punched window openings and large areas of storefront glazing. A portion of the former bakery brick chimney is being incorporated into the residential entry stairs. The cohesive architectural composition and quality finish materials enhance the Woodlawn Conservation District.

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.

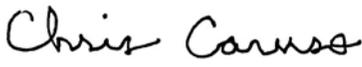
## **ADMINISTRATIVE DECISION**

Approval of Dekum Corner, the rehabilitation of an existing one-story triangular building at the intersection of NE Durham and NE Dekum Streets; the construction of a two-story commercial and residential mixed-use building on NE Dekum Street adjacent to the triangular building; a

new landscaped and paver courtyard, wooden loggia and metal gate off of NE Durham Street; the retention of the former bakery chimney; two new fully-glazed overhead retail doors, two recessed storefront retail entries, parapet extension across both buildings, and the addition of a continuous eyebrow roof; façade materials of stucco, tile, wood lap siding, metal railings, diamond roof shingles, exterior light fixtures, and tenant signage per the approved site plans, Exhibits C-1 through C-18, signed and dated November 24, 2008, subject to the following conditions:

Approval for the following Modification requests:

1. Reduce the required setback for lots abutting a side lot line of an R zoned lot from 5 feet to 0 feet along the trash enclosure [PZC 33.130.215 and Tables 130-3 & 130-4];
- 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.18. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-158391 HDZ. No field changes allowed."

**Decision rendered by:**  **on December 5, 2008.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: December 9, 2008**

**Staff Planner: Chris Caruso**

**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 August 27, 2008, and was determined to be complete on **October 24, 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 August 27, 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 waived the 120-day review period, as stated with Exhibit G-7.

**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 December 23, 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](http://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 **December 24, 2008**.
- 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.

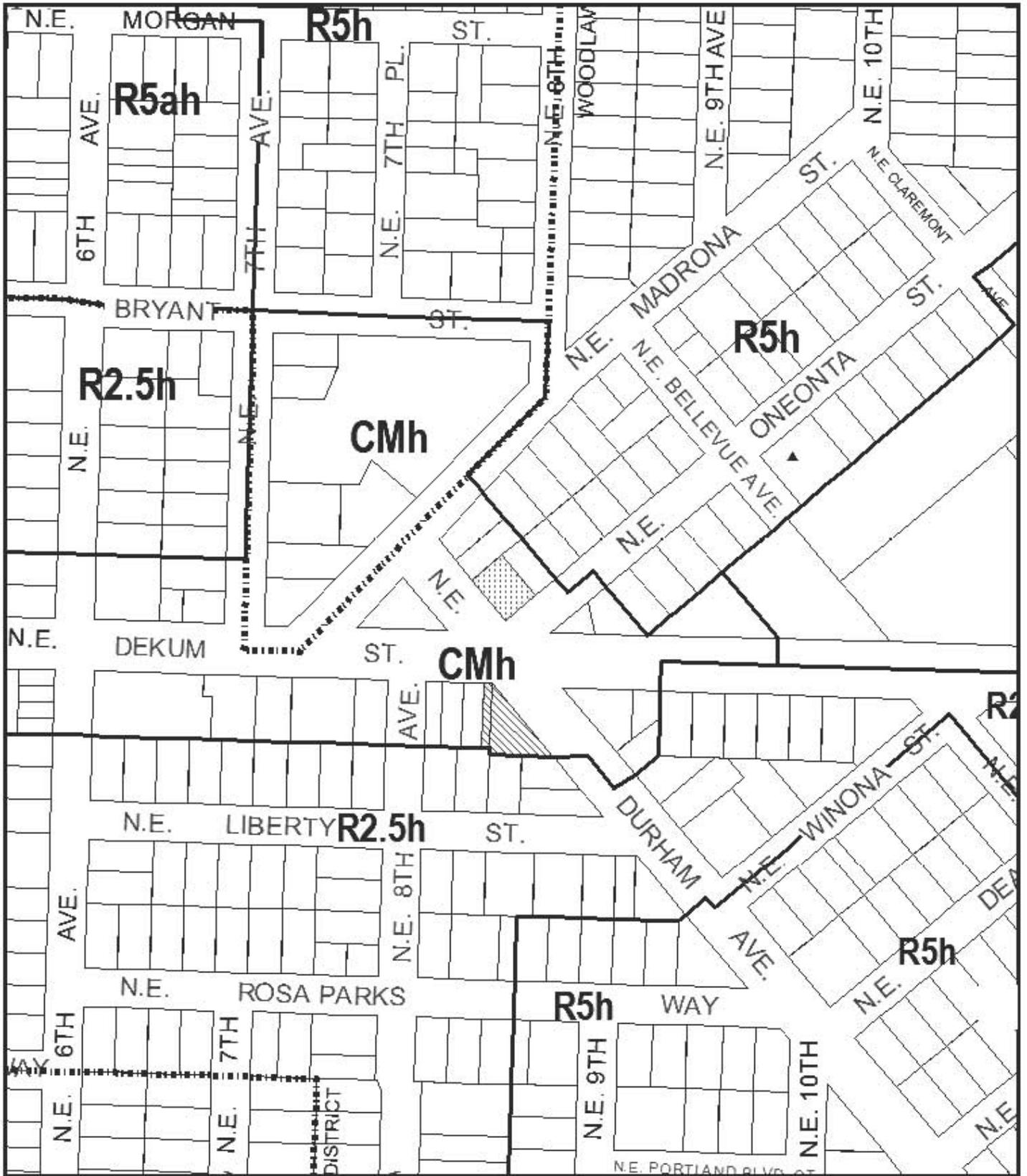
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. T1 General Notes
  - 3. SD2 Site Details
  - 4. C1 Utility Plan
  - 5. Site Plan
  - 5a. Enlarged Landscape Plan at rear setback
  - 5b. Ground Floor Plan
  - 6. A2 Second Floor Plan
  - 7. A3 Roof Plan
  - 8. A4 Street Elevations (attached)
  - 9. A5 Exterior Elevations
  - 10. A6 Sections
  - 11. A7 Sections
  - 12. A8 Sections
  - 13. A9 Details
  - 14. A10 Exterior Details
  - 15. Materials Sheet
  - 16. Roof Tile
  - 17. Light Fixture cut sheet
  - 18. Light Fixture cut sheet
- D. Notification information:

1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Urban Forestry
  4. Site Development Review Section of BDS
- F. Correspondence:
1. Pete Ficht, November 2, 2008, Concerned about privacy in his rear yard. Would like to have no windows from new apartments along rear lot line, would like courtyard either soundproofed, moved or reduced in size, does not want trash enclosure near rear yard.
  2. Ian Gelbrich, November 18, 2008, Expressed support for the revitalization effort; would like to see stucco construction system enforced in the field; replace eyebrow roof with individual canopies; reintroduce the diamond accents and open parapet railing; remove two punched openings at the corner and replace them with a larger glazed storefront system.
- G. Other:
1. Original LU Application
  2. Site History Research
  3. Incomplete Letter
  4. Area photos
  5. 3-d renderings
  6. Handwritten note dated November 18, 2008 requesting Modification to side setback
  7. 120-Day Waiver

**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
-  Also Owned



This site lies within the:  
 WOODLAWN CONSERVATION DISTRICT CONSERVATION DISTRICT Exhibit

File No.	LU 08-158391 HDZ
1/4 Section	2331
Scale	1 inch = 200 feet
State_Id	1N1E14BC 7200
Exhibit	B (Aug 29, 2008)





