



**OFFICE OF CITY AUDITOR  
CITY OF PORTLAND**

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Council/Contracts Division**

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**NOTICE OF FINAL DECISION**

**TO:** All Interested Persons

**DATE:** March 9, 2010

**RE:** LU 09-171259 DM

Consider the proposal for a Demolition Review to demolish the Historic Kiernan Building-Dirty Duck Tavern, a contributing structure in the Chinatown National Register Historic District, in order to allow the construction of a new 3 to 4 story residential group living and soup kitchen building to serve the new Blanchet House of Hospitality at 421-439 NW 3<sup>rd</sup> Ave (Hearing; LU 09-171259 DM)

Enclosed is a copy of the Order of Council on LU 09-171259 DM approving the Demolition of the Kiernan Building/Dirty Duck Tavern, a contributing structure in the National Register Chinatown/Japantown Historic District, in order to allow the construction of a new 3 to 4 story residential group living and soup kitchen building to serve the new Blanchet House of Hospitality at 421-439 NW 3<sup>rd</sup> Avenue. If you wish to obtain a copy of the City Council's findings and decision, please contact Karla Moore-Love, Council Clerk at (503) 823-4086 or by email at: [Karla.Moore-Love@portlandoregon.gov](mailto:Karla.Moore-Love@portlandoregon.gov)

City Council's decision is the final review process available through the City. You may appeal this decision to the Oregon Land Use Board of Appeals (LUBA) by filing a Notice of Intent to Appeal with the Board within 21 days of the date of decision, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have appeared orally or in writing during the City's proceedings on this land review. The Board's address is: Public Utility Commission Building, 550 Capitol Street NE, Suite 235, Salem, OR 97310-2552. You may call the Land Use Board of Appeals at 1-503-373-1265 for further information on filing an appeal.

Encl.

**ORDER OF COUNCIL ON PROPOSAL FOR A DEMOLITION REVIEW TO DEMOLISH THE HISTORIC KIERNAN BUILDING-DIRTY DUCK TAVERN, A CONTRIBUTING STRUCTURE IN THE CHINATOWN NATIONAL REGISTER HISTORIC DISTRICT, IN ORDER TO ALLOW THE CONSTRUCTION OF A NEW 3 TO 4 STORY RESIDENTIAL GROUP LIVING AND SOUP KITCHEN BUILDING TO SERVE THE NEW BLANCHET HOUSE OF HOSPITALITY AT 421-439 NW 3<sup>RD</sup> AVENUE (HEARING; LU 09-171259 DM)**

Consider the proposal for a Demolition Review to demolish the Historic Kiernan Building-Dirty Duck Tavern, a contributing structure in the Chinatown National Register Historic District, in order to allow the construction of a new 3 to 4 story residential group living and soup kitchen building to serve the new Blanchet House of Hospitality at 421-439 NW 3<sup>rd</sup> Ave (Hearing; LU 09-171259 DM)

**Applicant:** Craig Lewis, Melvin Mark Companies  
111 SW Columbia, Ste 1380  
Portland, OR 97201

City Of Portland – The Portland Development Commission (Leased]  
222 NW 5th Ave  
Portland, OR 97209-3812

Dirty Duck Property  
222 NW 5th Ave  
Portland, OR 97209-3812

**Representative:** John Smith, Joe Pinzone, SERA Architects, 503-445-7350  
338 NW 5th Ave  
Portland OR 97209

**Site Address:** 421-439 NW 3<sup>rd</sup> Avenue

**Legal Description:** BLOCK 25 LOT 5&8 LAND & IMPS SEE COUCHS ADD BLOCK 25; LOT 5&8; LAND & IMPS, COUCHS ADD

**Tax Account No.:** R180201710

**State ID No.:** 1N1E34CA 00300

**Quarter Section:** 2929

**Neighborhood:** Old Town-China Town, contact Carol McCreary at 503-984-4081.

**Business District:** Old Town Chinatown Business Association, contact Dorian Yee at 503-224-7066.

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - NW Triangle

**Other Designations:** Contributing Building in the Chinatown/Japantown National Register Historic District

**Zoning:** CXd Central Commercial with design overlay

**Case Type:** DM - Demolition Review

**Procedure:** Type IV, following a public meeting before the Landmarks Commission there will be a hearing before City Council. The Landmarks Commission may offer comments or suggestions, in the form of a letter or testimony, to City Council. City Council makes the final decision on this matter.

**Original Proposal:**

The applicant requests Demolition Review approval for the demolition of the Historic Kiernan Building, a contributing structure in the Chinatown/Japantown National Register Historic District.

Demolition of the building is intended to allow for the construction of a new 3 to 4 story residential group living and soup kitchen building of the same 1/4 –block footprint, to serve the new Blanchet House of Hospitality. The existing Blanchet House of Hospitality, the only other remaining building on Block 25, is a primary contributing structure within the Historic District.

Because the proposal is to demolish a Contributing Building in the Chinatown/Japantown National Register Historic District, a Type IV Historic Design Review is required.

**Approval Criteria:**

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

- Section 33.846 Historic Design Review
- Section 33.846.070 Demolition Review

**Procedural History:**

The applicant submitted the current Type 4 application on November 13, 2009 and it was deemed complete on December 4, 2009. A “Notice of Proposal in Your Neighborhood” was mailed on December 18, 2009 to surrounding property owners and recognized organizations. No written responses were received from either the Neighborhood Association or notified property owners in response to the proposal prior to the Portland Historic Landmarks Commission meeting on January 11, 2010. Written comments were submitted to the Commission [Exhibits H.1-H.5]. The City Council held a public hearing in the Council Chambers, 1221 SW 4<sup>th</sup> Avenue on February 3, 2010 at approximately 2:00 p.m., additional written comments were submitted to the City Council at the hearing [Exhibits I.1-I.9]. At the conclusion of the February 3, 2010 hearing, the record was closed, and the applicant extended the 120-day clock for an additional 30 days to March 14, 2010. On February 3, 2010 the Council tentatively approved the proposal for demolition of the Kiernan Building, ordered staff to prepare findings for February 24, 2010 at 10:15 a.m. for a final vote. At the February 24, 2010 hearing at approximately 10:15 a.m., Council postponed the adoption of findings to March 3, 2010, at approximately 10:40 a.m. On March 3, 2010 at approximately 10:40 a.m., Council voted 4-1 to adopted final findings as amended and approved the demolition review for the Historic Kiernan Building-Dirty Duck Tavern at 421-439 NW 3<sup>rd</sup> Avenue.

Based on evidence in the record and adoption of the City Council Findings, Conclusions and Final Decision as Council’s findings in **Case File LU 09-171259 DM** and by this reference made a part of this Order, City Council hereby approves the proposal for a Demolition Review to demolish the Historic Kiernan Building-Dirty Duck Tavern, a contributing structure in the National Register Chinatown/Japantown Historic District, in order to allow the construction of a new 3 to 4 story residential group living and soup kitchen building to serve the new Blanchet House of Hospitality at 421-439 NW 3<sup>rd</sup> Avenue.


**DECISION**

**It is the decision of Council to:** Approve the Demolition of the Kiernan Building/Dirty Duck Tavern in the National Register Chinatown/Japantown Historic District.

**IT IS SO ORDERED:**

3.9.10

Date

  
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Mayor Sam Adams  
Presiding Officer at Hearing of  
March 3, 2010  
9:30 a.m. Session