



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

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** March 25, 2011  
**To:** Interested Person  
**From:** Kara Fioravanti, Land Use Services  
503-823-5892 / [Kara.Fioravanti@portlandoregon.gov](mailto:Kara.Fioravanti@portlandoregon.gov)

## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in 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 10-203965 NU HDZ PROCESS WORK INSTITUTE**

#### **GENERAL INFORMATION**

**Applicant:** Stephen Schuitevoerder, Tenant  
Process Work Institute  
2049 NW Hoyt Street / Portland, OR 97209

Amy and Arnold Mindell, Listed Owners  
P O Box 549 / Yachats, OR 97498

**Representative:** Diana Moosman, Mosi Architects  
4072 N Williams Avenue / Portland, OR 97227

**Site Address:** 2049 NW HOYT STREET  
**Legal Description:** BLOCK 282 LOT 9&12, COUCHS ADD  
**Tax Account No.:** R180227770  
**State ID No.:** 1N1E33BD 06100      **Quarter Section:** 2927  
**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.  
**Business District:** Nob Hill, contact Kay Wolfe at 503-227-0898.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Northwest  
**Other Designations:** Alphabet Historic District  
**Zoning:** RH, High-Density Residential  
**Case Types:** NU, Nonconforming Situation Review  
HDZ, Historic Design Review

**Procedure:** Type II, an administrative decision by BDS Staff that can be appealed to the Hearings Officer (Nonconforming Situation Review) and/or the Landmarks Commission (Historic Design Review).

#### **Proposal:**

The applicant seeks approval for a **nonconforming situation review** to expand an existing nonconforming use (office) in a residential zone. This review is required per Chapter 33.258.

The applicant also seeks approval for **historic design review** for the following exterior alterations to the existing office building:

- **A rear one-story addition near the NW corner of the building.** The north elevation of the building will be revised, at the new addition, with new windows and siding. The west elevation of the building will be revised, at the new addition, with new wood siding and a new window.
- **The main entry near the SW corner of the building.** The main entry will be reoriented to face NW Hoyt Street. The entry glazing at the south elevation will be revised. An expanded entry deck and stairs will be installed at the new main entry. And, a new ADA ramp will run along the entire length of the building's south elevation; the south face of the new ramp will be a painted steel planter.

#### **Relevant Approval Criteria:**

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

- 33.258.080 – Nonconforming Situation Review
- Community Design Guidelines
- Historic Alphabet District Community Design Guidelines Addendum

## **ANALYSIS**

**Zoning:** The High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services.

The site is located within the Alphabet Historic District. The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its 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 no land use history since 1981.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed February 1, 2011. The following Bureaus have responded with no issues or concerns Site Development, Bureau of Environmental Services, and Urban Forestry ("protect existing street trees").

The Bureau of Transportation Engineering responded with the following comment: *"Transportation has no objection to the proposed improvements. No work is proposed or to be performed, in the public ROW. Any addition work not described in this proposal will need to be assessed independent of this proposal (i.e. at time of building permit)."*

The Water Bureau responded with the following comment: *"The Water Bureau has no objections to the proposed building addition and exterior alterations for the property located at 2049 NW Hoyt St. There is an existing 1" metered service (Serial #20820539, Account #2996148400) which provides water to this location from the existing 8" CI main in NW Hoyt St. The estimated static water pressure range for this location is 66 psi to 83 psi at the existing service elevation of 107 ft."*

*City code 21.12.010 will require that any new building construction or additions to existing structures that will need water to have a correctly sized water service and meter installed within the public right-of-way and within the specific property boundary/frontage. A Water Bureau review for fixture count will need to be completed at the time of submittal of the building permit to appropriately size the water service and meter for this location. If a water service and or meter size upgrade is required, all applicable costs will be the responsibility of the applicant.”*

The Fire Bureau responded with the following comment: “A separate building permit is required for the proposed work. All Fire Code requirements will apply and be reviewed during the permit review.”

The Bureau of Development Services, Fire Life Safety responded with the following comment: “A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. An optional Preliminary Life Safety Meeting to verify building code requirements is available. More information is available at <http://www.portlandonline.com/bds/index.cfm?c=45054&a=94545>.”

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **February 1, 2011**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **CHAPTER 33.258 NONCONFORMING SITUATIONS SECTION 33.258.080 NONCONFORMING SITUATION REVIEW**

#### **Purpose of Nonconforming Situations**

Nonconforming situations are created when the application of a specific zone to a site changes, or a zoning regulation changes. As part of the change, existing uses, density, or development might no longer be allowed. The intent of the change is not to force all noncomplying situations to be immediately brought into conformance. Instead, the intent is to guide future uses and development in a new direction consistent with City policy, and, eventually, bring them into conformance.

This chapter provides methods to determine whether situations have legal nonconforming status. This is based on whether they were allowed when established, and if they have been maintained over time. This chapter also provides a method to review and limit nonconforming situations when changes to those situations are proposed. The intent is to protect the character of the area by reducing the negative impacts from nonconforming situations. At the same time, the regulations assure that the uses and development may continue and that the zoning regulations will not cause unnecessary burdens.

Nonconforming situations that have a lesser impact on the immediate area have fewer restrictions than those with greater impacts. Nonconforming uses in residential zones are treated more strictly than those in commercial, employment or industrial zones to protect the livability and character of residential neighborhoods. In contrast, nonconforming residential developments in residential zones are treated more liberally because they do not represent a major disruption to the neighborhood and they provide needed housing opportunities in the City.

#### **Nonconforming Situation Review Approval Criteria**

The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met.

1. With mitigation measures, there will be no net increase in overall detrimental impacts (over the impacts of the last legal use or development) on the surrounding area taking into account factors such as:

- a. The hours of operation;
- b. Vehicle trips to the site and impact on surrounding on-street parking;
- c. Noise, vibration, dust, odor, fumes, glare, and smoke;
- d. Potential for increased litter; and
- e. The amount, location, and nature of any outside displays, storage, or activities.

**Findings for 1:** As a result of the proposed development, there will not increase any of the following: hours of operation, vehicle trips, noise/vibration/dust/fumes/glare/smoke, litter, outside displays/storage/activities. This criterion is met.

2. If the nonconforming use is in an OS or R zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential character of the OS or R zoned area. This is based on taking into account factors such as:
  - a. Building scale, placement, and facade;
  - b. Parking area placement;
  - c. Buffering and the potential loss of privacy to abutting residential uses; and
  - d. Lighting and signs.

**Findings for 2:** Though the property is zoned for residential uses (RH – High Density Residential), the immediate vicinity is a mix of uses including a school, a park, offices and retail. The only abutting residential uses are to the north of the site, a generous distance from this modest building addition. The proposed development does not expand beyond the existing roof line of the single story building, and is simply infilling the existing courtyard in the rear and partially infilling the courtyard in the front. For this reason the project will not lessen the residential character of this RH zoned property with regard to building scale/placement/façade and privacy to abutting residential uses. The parking area, lighting and signs will not be altered under this application. This criterion is met.

3. If the nonconforming use is in a C, E, or I zone, and if any changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

**Findings for 3:** The site is in an R zone. This criterion therefore does not apply.

## **CHAPTER 33.846 - HISTORIC REVIEWS**

### **SECTION 33.846.060 - HISTORIC DESIGN REVIEW**

#### **Purpose of Historic Design Review**

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 and the proposal is for a non-exempt treatment. Therefore Historic Design Review approval is required. The approval criteria are the Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum.

*Staff has considered all guidelines and addressed only those applicable to this proposal.*

- P1. Plan Area Character.**
- P2. Historic and Conservation Districts.**
- D7. Blending into the Neighborhood.**

**Findings for P1, P2, D7:** The project does not change the massing of the existing single story building (which is of a much lower scale than many building in the immediate

vicinity). The new exterior work will match original details at the wood siding and window systems. Landscaping will remain a prevalent element to the front elevation, blending in with the predominately landscaped building setbacks of the neighborhood. These guidelines are met.

- E1. The Pedestrian Network.**
- E3. The Sidewalk Level of Buildings.**
- E5. Light, Wind, and Rain.**
- D1. Outdoor Areas.**
- D2. Main Entrances.**
- D3. Landscape Features.**
- D4. Parking Areas and Garages.**
- D5. Crime Prevention.**

**Findings for E1, E3, E5, D1-D5:** The relocation of the ADA entry from the rear of the building to the main entrance at the street elevation is an improvement to the pedestrian realm. The existing entry sequence to the building is an amenity to both patrons and the public realm. The landscaped, welcoming character of this entry is remaining since the proposal encloses the space only to the line of the existing roof overhang and maintains the courtyard. The long street frontage will be improved with new plantings, including a planter along the new ADA ramp that will add height and dimension to the space. Enclosing the rear courtyard (which does not have as many surveillance opportunities as the front) is a crime prevention method. The front courtyard facing the street will remain and include the current level of illumination for safety. The parking area will not be altered with this proposal. These guidelines are met.

- D6. Architectural Integrity.**
  - D8. Interest, Quality, and Composition.**
- Historic Alphabet District # 3. Hierarchy of Compatibility.**

**Findings for D6, D8:** All new siding and window details will be constructed to match the existing detailing. The new storefront window system will include detailing that replicates the existing wood-framed, stopped-in, full height glass system. The only variation is minimal and it is necessary to incorporate double glazing and some operable wood clad windows to improve ventilation. Because the addition is within the existing roof lines and maintains the original siding and window details, the project is highly compatible with the original building and has no net detriment to the surrounding neighborhood. These guidelines are met.

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## **CONCLUSIONS**

The approval criteria are met.

## **ADMINISTRATIVE DECISION**

Approval of a **nonconforming situation review** to expand an existing nonconforming use (office) in a residential zone. (This review was required per Chapter 33.258.)

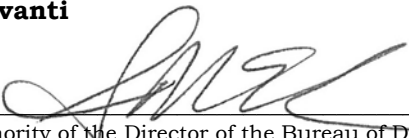
Approval of a **historic design review** for the following exterior alterations to the existing office building:

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Approval per the approved plans, Exhibits C-1 through C-11, signed and dated March 22, 2011, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.11. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-203965 NU HDZ. No field changes allowed."

**Staff Planner: Kara Fioravanti**

**Decision rendered by:**  **on March 22, 2011**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 25, 2011**

**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 December 23, 2010, and was determined to be complete on **January 21, 2011**.

*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 December 23, 2010.

*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. Unless further extended by the applicant, **the 120 days will expire on: May 22, 2011.**

**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 April 8, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](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 **April 11, 2011 – (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.

**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.

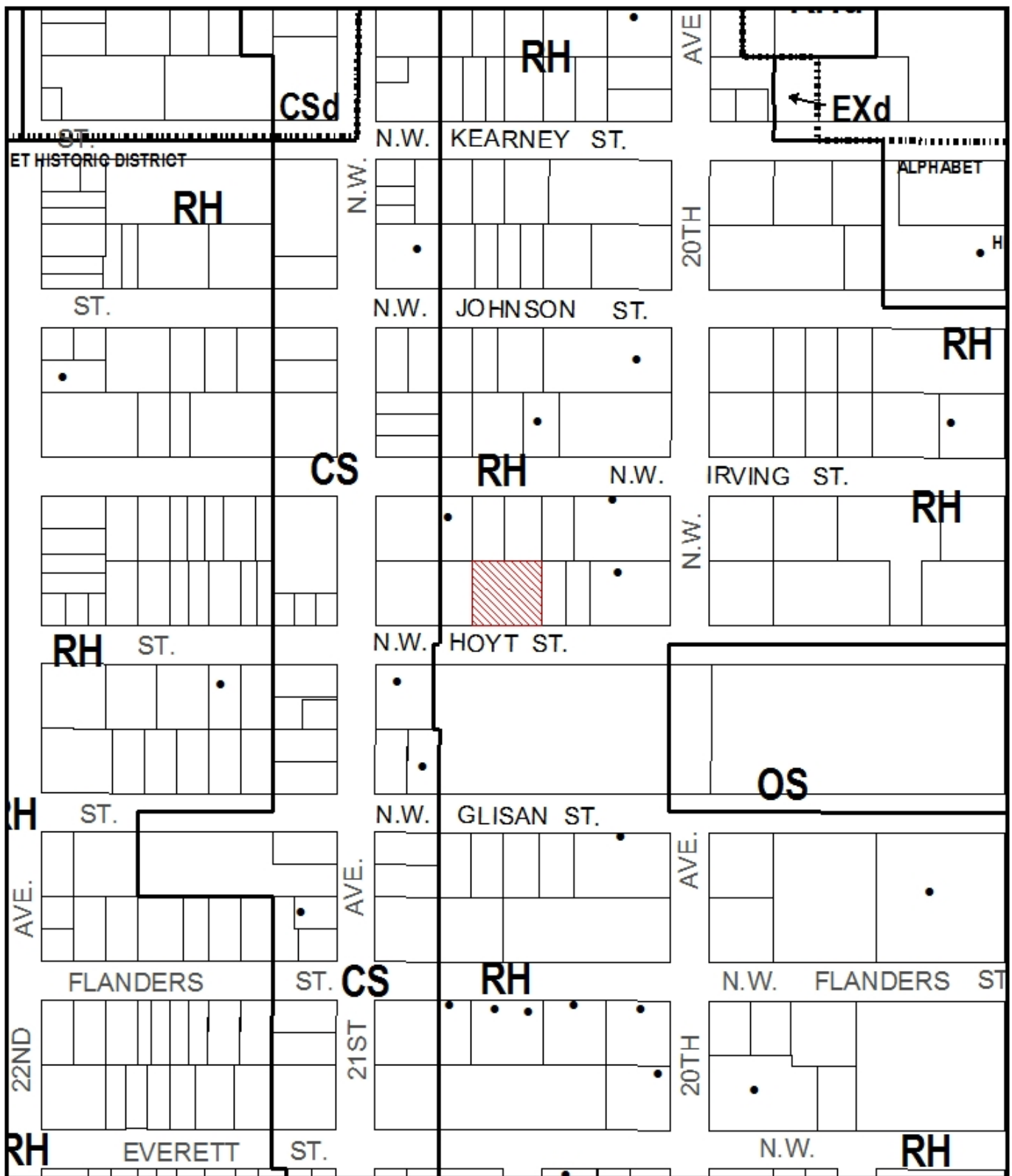
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
  1. Original narrative
  2. Existing photos
  3. Insurance records establishing the history of PWI at this site
  4. Building permit records from 1956, 1965 and 1996
  5. Existing plans and elevations
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Proposed Floor Plan (attached)
  2. Elevations and Renderings (attached)
  3. Sidewalk view
  4. Building Entry
  5. New Entry Wall
  6. Entry Birdseye View
  7. Interior Birdseye View
  8. New Addition at Back
  9. Details
  10. Wall Section
  11. Landscape plan with 9 attachments)
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:  
*all agency responses received included above in this report*
- F. Correspondence:  
*none received*
- G. Other:
  1. Original LU Application
  2. Site History Research
  3. EA 10-170103 EA appt notes
  4. Email from applicant with new information, 3-8-11



**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**



# ZONING

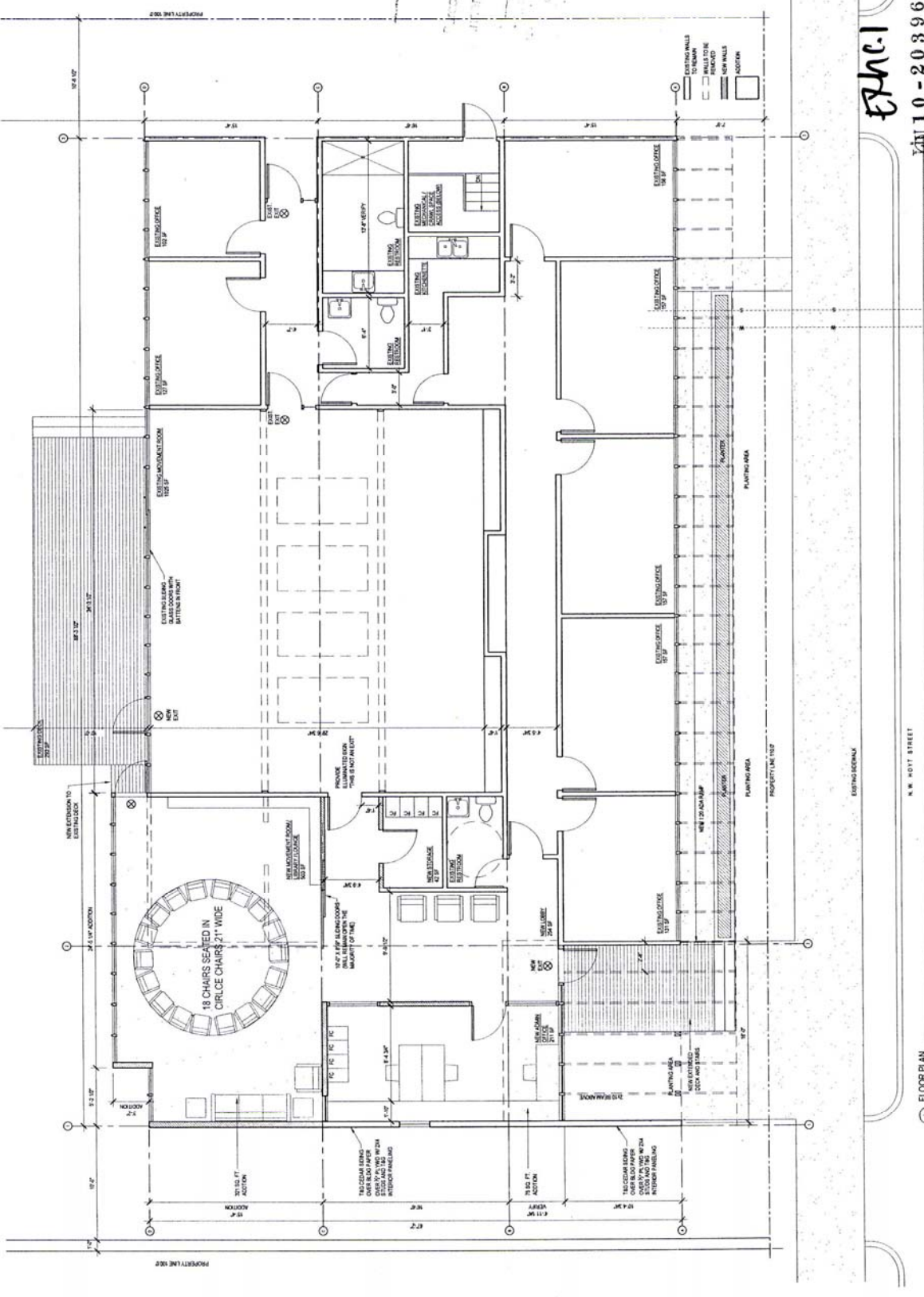
 Site

 Historic Landmark

This site lies within the:  
 ALPHABET HISTORIC DISTRICT  
 NORTHWEST PLAN DISTRICT



File No. LU 10-203965 NU  
 1/4 Section 2927  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E33BD 6100  
 Exhibit B (Dec 30, 2010)



MOS  
 ARCHITECTS  
 1000 N. 20th St., Suite 200  
 Portland, Oregon 97209

\*Approved by  
 City of Portland  
 Department of Development Services  
 3-22-11  
 Approval applicable to the  
 conditions of approval  
 and requirements of applicable  
 codes.

PROCESS WORK INSTITUTE REMODEL

FLOOR PLANS  
 PROJECT NO. 10-203965  
 SHEET NO. A1.0

DESIGN DEVELOPMENT

ENC. 1

10-203965 NUBZZ  
 A1.0

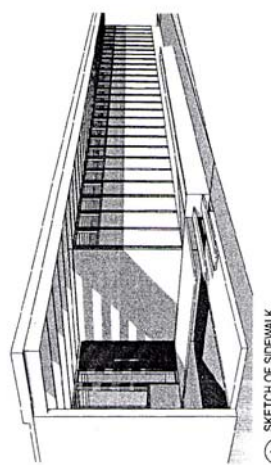
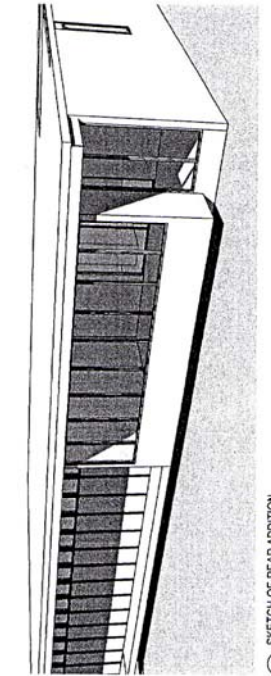
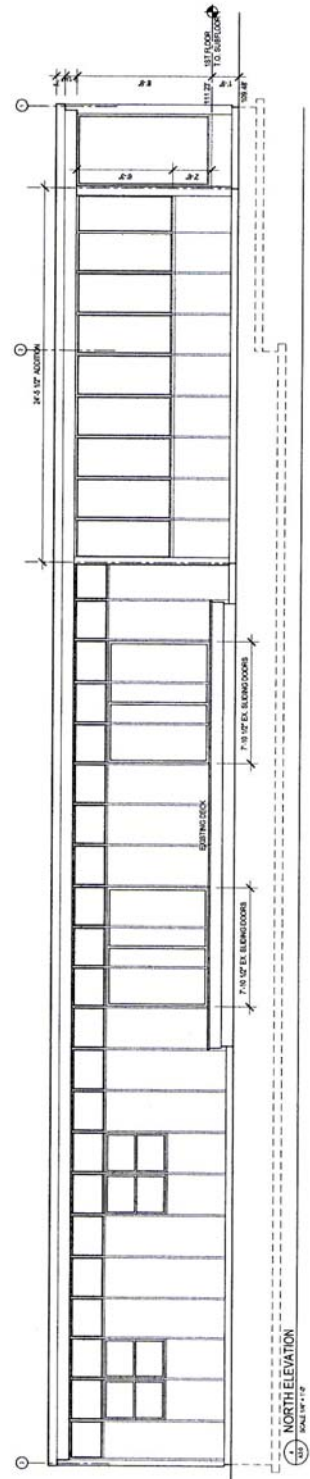
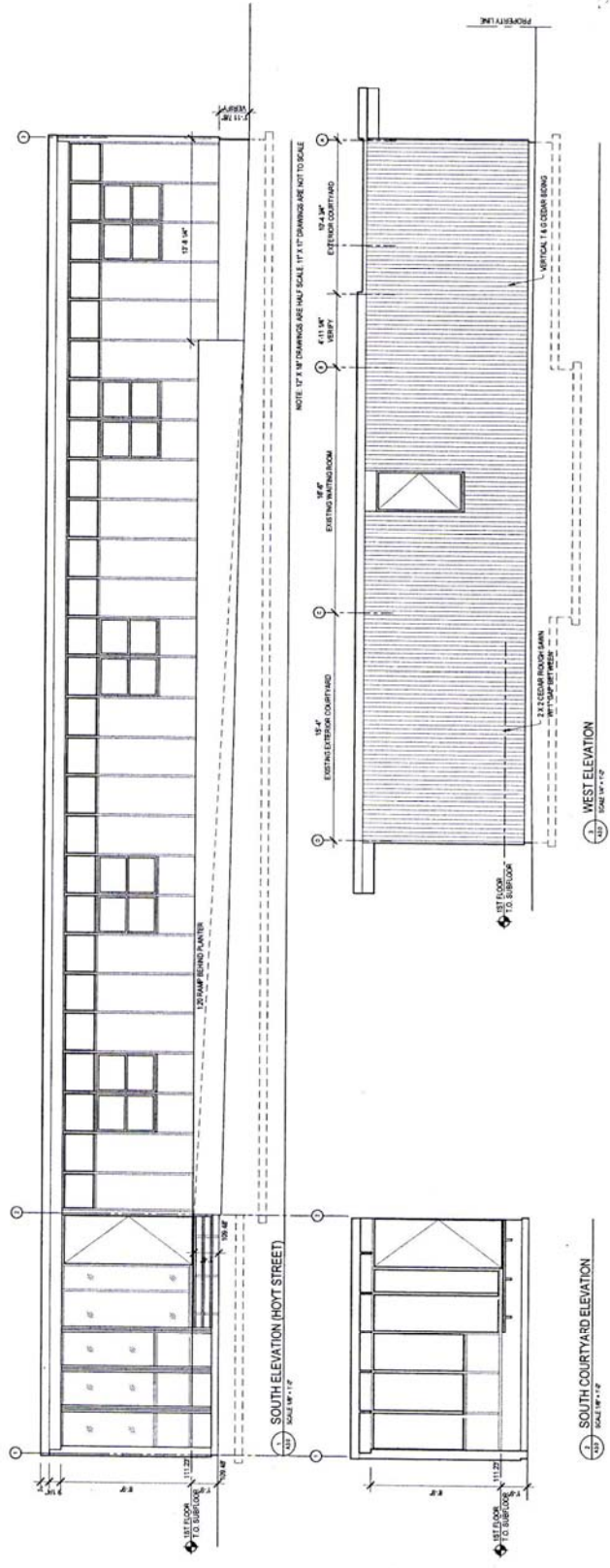
SCALE: 1/8" = 1'-0"

N.W. 40th STREET

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

City of Portland  
 Department of Development Services  
 3-22-11  
 Approval applies to the listed and is subject to all applicable requirements.

51110-203965 No HD A3.0



EXHC.2