Date: August 17, 2018
To: Interested Person
From: David Besley, Land Use Services
503-823-7282 / David.Besley@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 mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 18-170438 AD

GENERAL INFORMATION

Applicant: Jeff Ernst, Hacker Architects
1615 SE 3rd Ave, 5th Fl, Portland, OR 97214

Owner: Division Two LLC
422 NW 13th Ave Pmb 808, Portland, OR 97209

Site Address: 3245-3249 SE DIVISION ST *

Legal Description: BLOCK 4  W 1/2 OF LOT 8, HORIZON; BLOCK 4  E 1/2 OF LOT 8 LOT 9, HORIZON; BLOCK 4 LOT 10, HORIZON; BLOCK 3 LOT 11, VAN HOOMISSEN

Tax Account No.: R401900430, R401900470, R401900510, R854900730
State ID No.: 1S1E01CD 23500, 1S1E01CD 23600, 1S1E01CD 23700, 1S1E01CD 23800

Quarter Section: 3233

Neighborhood: Richmond, contact Matt Otis at richmond.pdx.lutc@gmail.com

Business District: Division-Clinton Business Association, contact at 503-706-3730.

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Zoning: CSm (Storefront Commercial with Main Street Corridor Overlay Zone)

Case Type: AD (Adjustment Review)
Procedure: Type II, an administrative decision with appeal to the Adjustment Committee.

Proposal: The applicant is proposing to construct a new 45,000 square-foot, 4-story mixed-use building that includes street-level commercial area and for-rent apartments above. The Portland Zoning Code* requires that specific regulations be met for properties within the Mainstreet Corridor Overlay zone, including a 10 percent limit for corrugated metal, plywood, and other materials as exterior finish on each façade (Section 33.460.310.D – Division Street Regulations). The
applicants are proposing to use a plywood material (WD SIDING SYS 1) as exterior finish for 28% on the south façade, 14% on the west façade, 29% on the north façade, 58% on the courtyard’s east façade, and 59% on the courtyard’s west façade. Additionally, a corrugated metal material (24 ga AZ50 Galvalume [zinc and aluminum] alloy coated steel sheets with factory-applied Kynar paint coating) is proposed to be used as exterior finish for 84% on the east façade and 77% on the west façade, in areas that will be obscured from sight by neighboring buildings. Adjustments are therefore requested to allow exterior plywood and corrugated metal to be used for more than 10% of the exterior finish on each façade.

The Portland Zoning Code allows elevator mechanical equipment to extend up to 16 feet above the building height limit (in this case 45 feet), but requires that it be set back at least 15 feet from all roof edges on street facing facades (Section 33.130.210.B.2). The proposed design uses a central pedestrian courtyard to break the mass of the building, and, as a result, the elevator overrun is set back from the recessed street-facing façade only about 8 feet – 10 inches instead of the required 15 feet, and extends 5 feet – 8.5 inches above the building height limit. Another Adjustment is therefore required to increase the maximum height from 45 feet to 50 feet – 8.5 inches for the elevator mechanical equipment and overrun.

*note: Application submitted 5/14/18, when the site was zoned CSm. Under ORS 227.178(3)(a), the application is subject to the zoning in place at the time of submission.

**Relevant Approval Criteria:**
In order to be approved, this proposal must comply with the approval criteria of Title 33. Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. of Section 33.805.040, Adjustment Approval Criteria, have been met.

**ANALYSIS**

**Site and Vicinity:** The 16,400 square foot site is located at the intersection of SE 33rd Avenue and SE Division Street, on the north side of SE Division Street. The relatively flat site is currently developed with detached commercial buildings and a surface parking area. The surrounding area is developed primarily with a mix of higher density residential and commercial buildings along SE Division Street, which is a busy commercial corridor, and are typically three to four stories and built up the property lines. Lower density single dwelling residential zones to the north and south of SE Division street. Many of the buildings along SE Division Street are built up the property lines an

**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. 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.

Main Street Corridor Overlay Zone encourages higher density residential uses by allowing greater building heights, reducing required building coverage for residential development; and allowing more flexibility in site design. The intent of the zone is to provide transit-supportive levels of residential and mixed-use development along identified main streets.

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

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed July 11, 2018. The following Bureaus have responded with the following information:
- The Life Safety section of the Bureau of Development Services (BDS) responded with no concerns and included Building Permit information (Exhibit E.1);
• The Bureau of Environmental Services responded with no concerns and included stormwater information (Exhibit E.2);
• The Portland Bureau of Transportation (PBOT) responded with no concerns and noted that, prior to issuance of a building permit, the applicant is required to reconstruct the sidewalk corridor and curb extension on SE Division to current City and crossings compliant with ADA standards and to dedicate property sufficient to provide for standard improvements behind the curb (Exhibit E.3);

The following Bureaus have responded with no concerns (Exhibit E.4):
• The Water Bureau; and
• The Fire Bureau.

Neighborhood Review: One written response was received from a notified property owner in response to the proposal, noting concerns about the lack of on-site parking and additional impacts to the already limited on-street parking in the neighborhood.

Staff Response: The concerns expressed about the vehicle parking related to the new housing units are irrelevant to the Adjustment requests. No vehicle parking is required (due to proximity to peak-hour service transit) and the developers are providing 9 parking spaces; therefore, the proposal exceeds on-site parking space requirements.

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria
Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A. through F. below have been met.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant is proposing to construct a new 45,000 square-foot, 4-story mixed-use building including street-level commercial area and for-rent apartments above. Adjustments are requested to allow exterior plywood and corrugated metal to be used for more than 10% of the exterior finish on each façade. The purpose for the design regulations is as follows:

33.460.300 – Main Street Corridor Overlay Zone: Division Street Regulations
These regulations promote development that fosters a pedestrian- and transit-oriented main street and reinforces the pattern of older industrial, commercial, and residential buildings along the street. These regulations ensure that development:
• Activates Division Street corners and enhances the pedestrian environment;
• Steps down building heights to reduce the negative impacts of larger scale buildings on the adjoining single-dwelling zones;
• Is constructed with high quality materials in combinations that are visually interesting;
• Consists of retail that primarily serves the surrounding neighborhood, is small in scale and promotes pedestrian activity; and
• Provides neighbors with the opportunity to give early input to developers on significant projects.

Plywood
The applicant is proposing to use a plywood material (WD SIDING SYS 1) as exterior finish for 28% on the south façade, 14% on the west façade, 29% on the north façade, 58% on the courtyard’s east façade, and 59% on the courtyard’s west façade. Additionally, a corrugated metal material – 24 ga AZ50 Galvalume [zinc and aluminum] alloy coated steel sheets with factory-applied Kynar paint coating – is proposed to be used as exterior finish for 84% on the east façade and 77% on the west façade.
Plywood is not always considered a high-quality material; however, it can be depending on the design, thickness, and installation technique. While the plywood material is proposed to be used for a significant percentage of sides, including the highly visible south façade, a number of material and design measure ensure that this material is visually interesting and high-quality. The 15/32-inch thick plywood will be covered with vertical real-wood battens (2 inches to 3.5 inches in width) such that only 44 percent of the plywood material underneath will be visible. The wood species of the real-wood battens, and the plywood product are cedar, which is a water resistant, long-lasting wood. Both the plywood system and the battens have a rough-sawn surface, which soaks up stain much more effectively, and weathers better between re-stainings than smooth, sanded surfaces. All edges of the plywood will be stained and covered by cedar battens, trim, or metal flashings. The horizontal spaces between plywood placement will use Z-flashing to protect horizontal joints from weather and improve the appearance. All screws through the plywood will be sealed and covered (blind-fastened) by cedar battens. The entire WD SIDING SYS 1 is installed as a rainscreen assembly, with 6 inches of airspace behind. At the ground floor, the WD SIDING SYS 1 is held at least 10 inches above the sidewalk or grade (splash zone), and protected at the bottom with sheet metal flashing, and a concrete base. In comparison to typical uses of exterior plywood, the product and installation is much more durable and visually interesting. T-111 siding, for instance, is much thinner (subject to warping), typically with exposed face fasteners, and often the edges are not covered or protected adequately, which exposes the plywood to weather. Additionally, the proposed plywood does not have grooves cut into it, as other plywood products such as T-111 siding would, so the inner cores are fully protected from rain and sun exposure.

As a condition of approval, the following requirements will ensure that the WD SIDING SYS 1 plywood material be high quality and installed correctly to ensure longevity and visual interest:

1. All plywood and battens will be Cedar;
2. Pre-treating batten screws or using a final coat of stain over batten screws so the hardware is darker, matches the material, and does not stand out;
3. Using varied width and shape of battens – 1” x 2” and 1” x 4” nominal, with square and angled faced – at regular spacing;
4. Using only “B” and better grade cedar battens;
5. Minimizing the exposed surface of plywood between battens to 2” minimum and 3 ½” maximum;
6. Maximizing cedar batten coverage to 56% of overall WD SIDING SYS (so that only 44% of plywood is exposed);
7. Using Z-flashing to protect horizontal plywood joints;
8. Blind-fastening plywood panels (with stainless steel screws) so they are under cedar battens; and
9. Dip-staining the cedar battens to fully coat and seal them, resulting in a more durable product with a consistent appearance.

Corrugated Metal
The corrugated metal material will be placed on areas of the east and west façades that will be obscured from sight by neighboring buildings so it will be minimally visible. The front-facing façade (facing SE Division Street) will not include this material. The Kynar factory coating, and the AZ50 galvalume steel are durable, and provide a finish that will require little maintenance, especially as compared to a field-painted and caulked system like fiber cement siding. The corrugations further add stability to the material, minimizing any warping due to gauge. Finally, these walls will be exposed to virtually no sun, and very little rain, and will therefore weather well.

With the condition noted above, this criterion is met for the Main Street Corridor Overlay Zone Division Street Regulations.
The second Adjustment requested is to increase the maximum height from 45 feet to 50 feet – 8.5 inches for the elevator mechanical equipment and overrun. The purpose for the maximum height limitations is as follows:

33.130.210 Height

The height limits are intended to control the overall scale of buildings. The height limits in the CN1, CN2, and CO1 discourage buildings which visually dominate adjacent residential areas. The height limits in the CO2, CM, CS, and CG zones allow for a greater building height at a scale that generally reflects Portland’s commercial areas. Light, air, and the potential for privacy are intended to be preserved in adjacent residential zones. The CX zone allows the tallest buildings, consistent with its desired character.

The only area that requires a height Adjustment is the elevator overrun and mechanical equipment which has overall dimensions of about 8 feet by 12 feet on top of a roof that measures about 11,600 square feet. As such, the mechanical equipment that is over the height requirement makes up a minimal portion of the roof. As noted above, the Portland Zoning Code allows elevator mechanical equipment to extend up to 16 feet above the building height limit but requires that it be set back at least 15 feet from all roof edges on street facing facades (Section 33.130.210.B.2). The proposed design uses a central pedestrian courtyard to break the mass of the building, and, as a result, the elevator overrun is set back from the recessed street-facing (south) façade only 8 feet – 10 inches instead of the required 15 feet, and extends 5 feet – 8.5 inches above the building height limit. If the pedestrian courtyard was not proposed, and the building had a solid mass, the elevator would meet this standard and an Adjustment would not be necessary. The pedestrian courtyard breaks up the overall scale of the building and provides a significant visual improvement by reducing overall mass and ensuring the building does not overwhelm adjacent buildings.

The only adjacent residential zone is to the north, and the elevator is approximately 25 feet from the edge of the roof on the north-facing side of the building, which it itself 25 feet from the northern property line. This significant distance, combined with the relatively small area of the elevator and relatively small Adjustment to the height, will result in a project that does not impact light, air or privacy to the adjacent residential zones.

This criterion is met for the building height Adjustment.

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: The subject site is in a Commercial zone. At this location, the City’s Transportation System Plan classifies SE Division Street as a Neighborhood Collector, Major Transit Priority Street, Local Service Street for bicycles, City Walkway, and a Community Main Street. PBOT has indicated no concerns regarding the proposal’s consistency with the classification of adjacent streets.

The Portland Zoning Code defines “desired character” as “the preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.” In this instance, Desired Character is defined by the character statement of the CS zone, the Main Street Corridor Overlay Zone, and the Richmond Neighborhood Plan.

The characteristics of the CS zone and “m” zone overlay state:

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. 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 Main Street Corridor Overlay (m) zone encourages higher density residential uses by allowing greater building heights, reducing required building coverage for residential development; and allowing more flexibility in site design. The intent of the zone is to provide transit-supportive levels of residential and mixed-use development along identified main streets.

The proposed 4-story mixed-use building includes a street-level commercial area and 54 apartments above. It will be consistent with the Storefront Commercial zone’s intentions of providing commercial area in a building that is close to and oriented toward the sidewalk (along SE Division Street) as the building will have a zero-foot front building setback. The development will also be pedestrian-oriented via the inclusion of a public courtyard and will support storefront character via the window-heavy ground-floor commercial space design. As such, the project will be consistent with the Main Street Corridor Overlay Zone’s intent of providing transit-supportive levels of mixed-use development along SE Division Street.

The Richmond Neighborhood Plan identifies issues that are important to the neighborhood and establishes priorities for actions to accomplish the neighborhood’s goals. One of the housing objectives is to accommodate anticipated population growth through “main street” development (mixed residential/commercial uses along major transit streets) or other construction methods that retain or enhance existing neighborhood character (the Richmond Neighborhood Plan, Policy 4.4, page 18).” The neighborhood includes a wide variety of architectural styles and building materials. The addition of 56 apartments will help accommodate the anticipated population growth. The setback and design of this proposed mixed residential/commercial development along this transit street, with the aforementioned condition to ensure that the WD SIDING SYS 1 plywood material be high quality and visually interesting, will be consistent with this objective.

This proposal is therefore consistent with the desired character of the area.

With the condition noted above, this criterion is met.

C. If more than one Adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: The Storefront Commercial (CS) zone, as noted above, 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. 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 proposed mixed-use building will have zero-foot front setbacks, consistent with development in the area, provide ground floor retail and provide additional housing. As such, the development fits this description and will not be impacted by the requested Adjustments. Furthermore, the height and Main Street Corridor Overlay Zone Adjustments are unrelated and address different elements of the building, and will not
have a negative cumulative effect. The results will be consistent with the overall purpose of the zone.

**This criterion is met.**

**D.** City-designated scenic resources and historic resources are preserved;

**Findings:** City designated scenic resources are identified on the Official Zoning Map with a lower case “s” and historic resources are designated by a large dot or as being within the boundaries of a Historic or Conservation district. There are no such resources present on the site; therefore, this criterion is not applicable.

**E.** Any impacts resulting from the adjustment are mitigated to the extent practical; and

**Findings:** As noted above, while the plywood siding exceeds the 10 percent limit for corrugated metal, plywood, and other materials as exterior finish on each façade, 56% of the proposed WD SIDING SYS 1 is covered with cedar wooden battens, so that only 44% of plywood is exposed. These battens also add sufficient visual interest by adding articulation to a flat surface. The condition that the whole system be treated and installed such that they will be durable mitigate for the increase in plywood as an exterior finish.

Regarding the height Adjustment, if the pedestrian courtyard was not proposed, and the building had a solid mass, the elevator would meet this standard and an Adjustment would not be necessary. The pedestrian courtyard, however, breaks up the overall scale of the building, thereby mitigating any impacts of the Adjustment to increase the height.

**With the condition noted above, this criterion is met.**

**F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

**Findings:** Environmental overlay zones are designated on the Official Zoning Map with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). No environmental zoning is applied to the site; therefore, this criterion is 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 requirements of Title 11 can be met, and 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 applicant has demonstrated that having plywood material (WD SIDING SYS 1) as exterior finish for 28% on the south façade, 14% on the west façade, 29% on the north façade, 58% on the courtyard’s east façade, and 59% on the courtyard’s west façade; and corrugated metal material (24 ga AZ50 Galvalume [zinc and aluminum] alloy coated steel sheets with factory-applied Kynar paint coating as exterior finish for 84% on the east façade and 77% on the west façade will equally meet the purpose of the main-street corridor overlay by enhancing the pedestrian experience with a zero foot setback, substantial ground-floor windows, and visually interesting exterior. Additionally, the proposed materials are high quality when installed correctly. A condition of approval on the installation methods will ensure durability.
The second Adjustment requested is to increase the maximum height from 45 feet to 50 feet – 8.5 inches for the elevator mechanical equipment and overrun. The only area that requires a height Adjustment is the elevator overrun and mechanical equipment which has relatively small dimensions of about 8 feet by 12 feet on top of a roof that measures about 11,600 square feet. The proposed design of the mixed use building uses a central pedestrian courtyard to break the mass of the building, and, as a result, the elevator overrun is set back from the recessed street-facing (south) façade only about 8 feet – 10 inches instead of the required 15 feet. If the pedestrian courtyard was not proposed, and the building had a solid mass, the elevator would be set back 15 feet from the edge of the roof, meeting this standard, and an Adjustment would not be necessary. The pedestrian courtyard breaks up the overall scale of the building. The significant distance from the adjacent residential area to the north, combined with the relatively small area of the elevator equipment and overrun and relatively small Adjustment to the height, will result in a project that does not impact light, air or privacy to the adjacent residential zones, therefore equally meeting the purpose of the height standard.

As conditioned, the proposal meets the applicable approval criteria and should therefore be approved.

**ADMINISTRATIVE DECISION**

1. Approval of an Adjustment to allow exterior plywood and corrugated metal to be used for more than 10% of the exterior finish on each façade (Section 33.460.310.D – Division Street Regulations) as follows:
   - Plywood material (WD SIDING SYS 1) as exterior finish for
     - 28% on the south façade;
     - 14% on the west façade;
     - 29% on the north façade; and
     - 58% on the courtyard’s east façade, and 59% on the courtyard’s west façade
   - Corrugated metal material consisting of 24 ga AZ50 Galvalume [zinc and aluminum] alloy coated steel sheets with factory-applied Kynar paint coating is proposed to be used as exterior finish for
     - 84% on the east façade; and
     - 77% on the west façade.

2. Approval of an Adjustment to increase the maximum height from 45 feet to 50 feet – 8.5 inches for only the elevator mechanical equipment and overrun (Section 33.130.210.B.2), per the approved site plans, Exhibits C-1 through C-5, signed and dated August 7, 2018, 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 18-170438 AD." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

   B. The plywood material (WD SIDING SYS) and battens must comply with the following
      1. All plywood and battens must be cedar;
      2. Pre-treating batten screws or using a final coat of stain over batten screws;
      3. Using varied width and shape of battens – 1” x 2” and 1” x 4” nominal, with square and angled faced – at regular spacing;
      4. Using only “B” and better grade cedar battens;
      5. Minimizing the exposed surface of plywood between battens to 2” minimum and 3 ½” maximum;
      6. Maximizing cedar batten coverage to 56% of overall WD SIDING SYS;
      7. Using Z-flashing to protect horizontal plywood joints;
      8. Blind-fastening plywood panels (with stainless steel screws) so they are under cedar battens; and
      9. Dip-staining the cedar battens to fully coat and seal them.
C. At the time of building permit submittal, a letter signed by the project constructor should be submitted verifying they understand the material and installation requirements per Condition B.

D. The applicant shall conduct a one-year warranty walk one year after construction to ensure the materials have not warped or become damaged and if they have, replace/repair warped and damaged battens and panels. A report shall be submitted to the Land Use Services planner.

Staff Planner: David Besley

Decision rendered by: ___________________________ on August 7, 2018.

By authority of the Director of the Bureau of Development Services

Decision mailed: August 17, 2018

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 May 14, 2018, and was determined to be complete on July 6, 2018.

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 May 14, 2018.

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: November 2, 2018.

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 Adjustment Committee, which will hold a public hearing. Appeals must be filed by 4:30 PM on August 31, 2018 at 1900 SW
Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 and information on fee waivers 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 Adjustment Committee 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 Adjustment Committee 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 will be recorded with the Multnomah County Recorder.
- **Unless appealed,** the final decision will be recorded after **August 31, 2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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 Statement
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. South and North Elevation Drawings (attached)
   3. East and West Elevation Drawings (attached)
   4. Material Details (attached)
   5. Elevator Drawing (attached)
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. The Life Safety Section of BDS
   2. Bureau of Environmental Services
   3. Bureau of Transportation Engineering and Development Review
   4. Agencies responding with “no concerns”
F. Correspondence:
   1. Blake Sliter, July 16, 2018, Letter expressing parking concerns
G. Other:
   1. Original LU Application and Receipt
   2. Incomplete letter from staff to applicant, sent May 22, 2018

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).
Adjustments requested to allow exterior plywood and corrugated metal to be used for more than 10% of the exterior finish on each facade.
2nd Adjustment requested to increase max. height from 45’ to 50’-8.5” for elevator mechanical equipment/overrun