Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: October 4, 2019

To: Interested Person

From: Hillary Adam, Land Use Services
503-823-3581 / Hillary.Adam@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 19-193115 HRM - SNOWPEAK

GENERAL INFORMATION

Applicant: Sabrina Cheung 503-525-9315 / sabrina@skylabarchitecture.com
Skylab Architecture
413 SW 13th Ave, #200
Portland, OR 97205

Owner: Flanders PDX LLC Et Al
116 NE 6th Ave #400
Portland, OR 97232-2904

Site Address: 404 NW 23RD AVE

Legal Description: BLOCK 2 W 1/2 OF S 100' OF LOT 12 S 50' OF LOT 13, LOT 14, MEADS ADD
Tax Account No.: R556500150
State ID No.: 1N1E33CB 00500
Quarter Section: 3027

Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Nob Hill at nobhillportland@gmail.com.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest
Other Designations: Non-contributing resource in the Alphabet Historic District

Zoning: CM2 (MU-U)m – Commercial/Mixed Use 2 with Centers Main Street Overlay and Historic Resource Protection Overlay
Case Type: HRM – Historic Resource Review with Modification request
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:
The applicant proposes alterations to the existing storefront system to include:

- Introduction of black metal angled fins at 6" and 12" deep, corresponding with existing vertical mullions as well as additional fins grouped near points of entry;
- Introduction of new black metal soffit and base, where needed, for attachment of fins;
- Introduction of either a metal canopy or glass canopy at NW 23rd Avenue entrance (proposed as optional);
- Introduction of an enclosed patio to the east of the building to occupy a portion of the existing parking lot with reconfiguration of the parking lot, as needed;
- Patio enclosure would be constructed of metal planters with integrated seating; half the area would feature gravel and the other half would feature a wood deck with metal frame roofed enclosure; and
- Lighting is proposed at the west and east entries as well as around the patio enclosure.
- Also proposed, but not subject to review is the application of a black vinyl wrap to existing storefront mullions.

A Modification is requested to:

1. 33.266.130.G.3.a – to reduce the amount of interior parking lot landscaping provided from the required 1,125sf to 840sf. Additional landscaping is provided but does not meet the standard to be counted toward the total required.

The original proposal included introduction of an optional glazed overhead door on the east façade near the southeast corner of the building however, this has since been removed from the proposal.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations.

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

- Community Design Guidelines
- Historic Alphabet District: Community Design Guidelines Addendum
- 33.846.070 Modifications Considered During Historic Resource Review

ANALYSIS

Site and Vicinity: The subject property is a non-contributing resource constructed in 1987 and located at the corner of NW 23rd Avenue and NW Flanders Street. The building is four stories and contains retail space at the ground level and mezzanine with residential units above. It is clad with stucco and features aluminum windows and storefront. At the east side of the property is a 25-space surface parking lot. North of the site is the newly constructed 3-story Restoration Hardware building and south, across NW Flanders is the 2-story Williams-Sonoma building. A popular retail corridor, NW 23rd Avenue, contains a mix of contributing and non-contributing resources of varying scales and ages as well as uses. East of the parking lot on the subject property is a multi-dwelling development contained within a converted contributing resource and a later 1-story addition to the site.

The Alphabet Historic District is an area of Portland significant for its concentration of intact late 19th and early 20th Century, mostly middle class, housing stock and small-scale commercial buildings. Of special note are the many mid-sized apartment and institutional buildings. Many of these are in the various Period Revival styles, e.g. Tudor, Spanish Colonial, Byzantine, Jacobean, etc. and this is especially the case in the immediate vicinity of the proposed new development. The area is characterized by a grid of narrower, more tree-lined, east-west residential streets, named alphabetically after prominent Portlanders of the day, which are crossed by generally more robust north-south avenues. Two of these, NW 21st

Avenue and NW 23rd Avenue are low-scale business corridors featuring a mix of purpose-built commercial structures and converted houses.

Zoning: The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

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.

The Centers Main Street "m" overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

The Northwest Plan District implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter: promote housing and mixed-use development; address the area's parking scarcity while discouraging auto-oriented developments; enhance the pedestrian experience; encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.

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

- LU 86-029900 (ref. file: VZ 089-86) – Variance approval to reduce the north side yard from 7' to 6';
- LU 11-187522 HDZ – Historic Design Review approval for new skylights; and
- LU 19-193115 HR – Pending Historic Resource Review for storefront and site alterations.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **August 30, 2019**. The following Bureaus have responded with no issues or concerns:

- Life Safety Division of BDS
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 30, 2019. 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 33.846.060 - Historic Resource Review

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

Historic Resource Review Approval Criteria
Requests for Historic Resource 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 Resource 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.

Historic Alphabet District - Community Design Guidelines Addendum

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

> **Findings:** The site is a non-contributing resource and therefore does not have historic significance. *This guideline is not applicable.*

2. Differentiate New from Old. New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.
3. Hierarchy of Compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a historic or conservation district, with the rest of the District. Where practical, compatibility will be pursued on all three levels. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

> **Findings for 2 and 3:** As is noted above, the resource does not contain historic materials worthy of retention. New construction proposed includes:
> - Introduction of black metal angled fins at 6" and 12" deep, corresponding with existing vertical mullions as well as additional fins grouped near points of entry;
> - Introduction of new black metal soffit and base, where needed, for attachment of fins;
> - Introduction of either a metal canopy or glass canopy at NW 23rd Avenue entrance (proposed as optional);
> - Introduction of an enclosed patio to the east of the building to occupy a portion of the existing parking lot with reconfiguration of the parking lot, as needed;
> - Patio enclosure would be constructed of metal planters with integrated seating; half the area would feature gravel and the other half would feature a wood deck with metal frame roofed enclosure; and
> - Lighting is proposed at the west and east entries as well as around the patio enclosure.
>
> The proposed introduction of black metal angled fins at the exterior of the storefront glazing, while certainly differentiated, is not compatible with the existing resource, adjacent resources, nor with the qualities or character of the district as a whole. There

is no historic precedent for such an element at the exterior of a building within the district, nor are such elements typical of the period of significance for the district, which is the years 1880-1940. Rather these elements are wholly modern and incompatible with the district as well as the building which does not have any similar features present in the existing architecture. As such, a condition has been added that the metal fins shall be removed from the proposal.

The applicant also proposes a black metal soffit and base for the purpose of attaching the metal fins and without the fins, would frame the existing storefront. While not typical of the district, staff supports the introduction of the thick high-quality black metal soffit to help distinguish the ground floor provided that it extends along the entire underside of the second floor on the west, south, and east façades for consistency. However, staff finds that the black metal base is not consistent with the character of the district, which primarily features brick or concrete bulkheads beneath storefronts. As such, conditions have been added that, if retained as part of the proposal, the metal soffits shall extend along the entire underside of the second floor on the west, south, and east façades and the metal bases at the bulkheads shall be removed from the proposal.

The applicant has proposed, as optional, either a glass or metal canopy at the west entrance. While most of the canopies within the district are fabric, those that are not fabric are metal. As such staff finds that the metal canopy, while modern in its design, is more compatible with the district than the alternative glass canopy. Staff does not support removal of the existing canopy without replacement with a new canopy which serves to mark the entrance and provide weather protection. As such a condition has been added that the proposed metal canopy is required and shall be provided at the west entrance.

The proposed enclosed patio to the east of the building would occupy a portion of the existing parking lot which will be reconfigured. The applicant has indicated that this patio is intended to be temporary as development of this parking lot is expected in the near future. Despite the patio's temporary intent, the patio is required to be of a quality befitting the historic district. The proposed black metal planters and the black metal covered patio enclosure with wood bench seating around, as well as the proposed lighting around the patio and at the entrances, are of sufficient quality and compatibility with the district. The introduction of a patio for outdoor activation at this location is a more appropriate use within the historic district than the existing surface parking lot adjacent to the sidewalk.

With the condition that the metal fins shall be removed from the proposal; and

With the condition that, if retained as part of the proposal, the metal soffits shall extend along the entire underside of the second floor along the west, south, and east façades;

With the condition that the metal bases at the bulkheads shall be removed from the proposal; and

With the condition that the proposed metal canopy is required and shall be provided at the west entrance, these guidelines are met.

<u>Community Design Guidelines</u>

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

Findings: The proposal includes the reclamation of surface parking lot area for use as a patio for activities like outdoor dining adjacent to a new restaurant space at the east

side of the building. This change of use will help contribute to a vibrant streetscape along NW Flanders Street. *This guideline is met.*

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.
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 P2, D6, D7, and D8: The proposal includes improvements to the existing storefront system including new entry doors, metal soffit and base, and protruding angled vertically-oriented metal fins. The metal fins are proposed to be located at existing vertical mullions as well s increasing intervals near entry doors. The proposed fins are inconsistent with design features that characterize the historic district and detract from the overall character of the historic district which typically features broad storefront windows. The subject property was developed with the existing non-contributing building in 1987. The building consists of residential units set atop a ground level commercial space which features a split-level entry leading to a mezzanine level and a sunken first floor at the interior and at the exterior, a storefront divided by vertical and horizontal mullions recessed behind paired rounded columns. Above the storefront the residential units feature alternating stacked polygonal bays with divided lights and partially recessed/partially-projecting balconies. In short, several disconnected geometries exist across this Post-Modern building; the introduction of an additional geometry via the angled metal fins, particularly at intervals greater than the existing vertical mullions, would add to the incoherency of the building and make it more incompatible than it already is. As such, staff has added a condition that the vertical fins shall be removed from the proposal.

Staff has also noted that metal soffits and bases are proposed to help support the fins. Without the fins, the metal bases are no longer necessary and should also be removed from the proposal as they are not compatible with the district which primarily features brick or concrete bulkheads beneath storefronts. As such, a condition has been added that, the bulkheads shall be removed from the proposal. Staff has also previously noted that, if retained as part of the proposal, the thick high-quality metal soffits shall extend along the entire underside of the second floor on the west, south, and east façades in order to ensure a coherent expression, as the soffits are not clearly shown to extend around the building, but rather to stop just beyond the east façade entry.

With the condition that the metal fins shall be removed from the proposal; and

With the condition that, if retained as part of the proposal, the metal soffits shall extend along the entire underside of the second floor along the west, south, and east façades; and

With the condition that the metal bases at the bulkheads shall be removed from the proposal, these guidelines are met.

E3. The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building features, creating effective gathering places, and differentiating street level facades.
E4. Corners that Build Active Intersections. Create intersections that are active, unified,

and have a clear identity through careful scaling detail and location of buildings, outdoor areas and entrances.
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 for E3, E4, and D5:** The proposed alterations are solely focused at the ground level with storefront improvements to include minor alterations to the existing entries discussed below and a new outdoor patio area, also discussed below, proposed just beyond the building to the east. The proposal seeks to further distinguish the ground floor from the rest of the building but proposes to do so in an incompatible way. While the proposed metal fins may provide interest, they also compromise the pedestrian realm by creating additional projection from the building which have the potential to create visual and physical conflicts with pedestrians. For instance, the fins project outward from the storefront and increase in frequency at certain locations which reduces the amount of wall area where pedestrians can interface with the storefront to view the interior. In addition, when viewed obliquely, as is shown, in the renderings (Exhibits A-9), the fins, particularly when at frequent intervals near the entries, block views to the interior, potentially resulting in a negative impact to crime prevention. Because of their incompatibility with the historic district, as is stated elsewhere, and their negative impact of the pedestrian realm, staff has added a condition that the fins be removed from the proposal.
>
> *With the condition that the metal fins shall be removed from the proposal, these guidelines are met.*

E5. Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.
D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian-accessible, and transit-oriented.

> **Findings for E5 and D2:** The proposal includes the optional introduction of a canopy at the west entry. The existing west entry currently has a large fabric canopy above. The applicant proposed two options for staff to consider and, as is noted, while most of the canopies within the district are fabric, those that are not fabric are metal. As such staff finds that the metal canopy, while modern in its design, is more compatible with the district than the alternative glass canopy. Staff does not support removal of the existing canopy without replacement with a new canopy which serves to mark the entrance and provide weather protection. As such a condition has been added that the proposed metal canopy is required and shall be provided at the west entrance.
>
> *With the condition that the proposed metal canopy is required and shall be provided at the west entrance, these guidelines are met.*

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.
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.
D4. Parking Areas and Garages. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings for E1, D1, D3, and D4: One aspect of the proposal involves reclaiming a portion of the existing surface parking lot on the east and redeveloping it as an outdoor patio for an adjacent restaurant use at the east side of the building. The patio is intended to be placed on top of the existing asphalt pavement and will be partially constructed of wood decking with built-in wood benches with the other part filled with loose gravel, all of which will be wrapped with a metal planter on the south, east, and north sides. A metal frame roof enclosure is proposed to be located on the deck portion of the patio to provide shelter to outdoor diners. The patio offers a variety of experiences in the two different areas of the structured deck and the looser gravel area which can support many different uses.

The proposed patio, while intended to be a nonpermanent structure due to the property owner's desire to eventually infill the parking lot with a new building will provide a more pleasant streetscape than the existing surface parking lot which occupies approximately 10,000 square feet of the site and features two curbcuts. This proposal will reduce the curbcuts to one, thereby minimizing potential pedestrian/vehicle conflicts at this location. The proposal will also provide additional landscaping and activity adjacent to the sidewalk in an area now occupied by asphalt and vehicles. Lighting is proposed around and across the patio through linear lighting at the benches and planters as well as decorative festoon lighting. *These guidelines are met.*

33.846.070 Modifications Considered During Historic Resource 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 resource review process. These modifications are done as part of historic resource 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 resource review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

A. **Better meets historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource 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.

Modification #1: 33.266.130.G.3.a – to reduce the amount of interior parking lot landscaping provided from the required 1,125sf to 840sf. Additional landscaping is provided but does not meet the standard to be counted toward the total required.

Purpose Statement: The development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic;
- Create an environment that is inviting to pedestrians and transit users.

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;

- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

Standard: Amount of interior landscaping required. In all zones, interior landscaping must be provided for sites where there are more than 10 parking spaces on the entire site. At least 45 square feet of interior landscaped area must be provided for each parking space.

A. Better meets historic resource review approval criteria. *The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and*

B. Purpose of the standard. *The resulting development will meet the purpose of the standard being modified or 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.*

Findings: Because 25 parking spaces are provided, the applicant is required to provide 1125 square feet of interior parking lot landscaping. The applicant has provided calculations showing that they are providing 1140 square feet of landscaping however, some of that landscaping is either provided in planters, is less than 4' feet deep, or both and therefore cannot be counted toward meeting the required minimum to meet this standard. Nevertheless, with the proposal to create a patio and reconfigure a portion of the parking away from the pedestrian realm, the purpose of the standard is met in that pedestrians will be better protected from auto traffic by elimination of one curbcut and the environment created will be more inviting to pedestrians. In addition, the appearance of the parking area will be improved and softened, and the visual impact of the parking area will be reduced by inserting a landscaped patio area between the pedestrians and the parking area. Stormwater will be managed as a result of these improvements.

The landscaping proposed (tall grasses in raised planters) will provide greater screening of the cars in the parking lot than would the landscaping standards which call for inground plantings and the occasional tree. Patio users and pedestrians on the sidewalk will generally be at eye level with the landscaping rather than between the low shrubs and the bottoms of leaves on trees. Therefore, guidelines E1 *The Pedestrian Network*, D1 *Outdoor Areas*, D3 *Landscape Features*, and D4 *Parking Areas and Garages* are all better met by the proposal for interior landscaping located in planters rather than 4' deep in-ground plantings.

As described above, the purpose of the standard is met and guidelines E1, D1, D3, and D4 are better met by the proposal. *Therefore, this Modification 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 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's proposal to provide storefront and patio improvements is intended to add new life into this non-contributing resource. While some of the storefront improvements are modest and compatible, the proposed protruding metal fins are neither compatible with the historic district nor do they enhance the public realm or the overall coherency of the existing building. The proposed patio will provide an opportunity to activate the streetscape on the south side of this property and will mitigate for the existing surface parking lot that currently exists. The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal, with the noted conditions of approval meets the applicable Historic Resource Review criteria and Modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations and patio improvements within the Alphabet Historic District to include:

- Introduction of new black metal soffit;
- Introduction of a metal canopy at the NW 23rd Avenue entrance;
- Introduction of an enclosed patio to the east of the building to occupy a portion of the existing parking lot with reconfiguration of the parking lot;
- Patio enclosure to be constructed of metal planters with integrated seating; half the area would feature gravel and the other half would feature a wood deck with metal frame roofed enclosure; and
- Lighting proposed at the west and east entries as well as around the patio enclosure.

Also proposed, but not subject to review is the application of a black vinyl wrap to existing storefront mullions.

Approval of a Modification to:

1. 33.266.130.G.3.a – to reduce the amount of interior parking lot landscaping provided from the required 1,125sf to 840sf. Additional landscaping is provided but does not meet the standard to be counted toward the total required.

This approval is per the approved site plans, Exhibits C-1 through C-16, signed and dated October 1, 2019, subject to the following conditions:

A. As part of the building permit application submittal, the following development-related conditions (B through G) 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 19-193115 HRM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. At the time of building permit submittal, a signed Certificate of Compliance form (https://www.portlandoregon.gov/bds/article/623658) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.

C. No field changes allowed.

D. The metal fins shall be removed from the proposal.

E. If retained as part of the proposal, the metal soffits shall extend along the entire underside of the second floor along the west, south, and east façades.

F. The metal bases at the bulkheads shall be removed from the proposal.

G. The proposed metal canopy is required and shall be provided at the west entrance.

Staff Planner: Hillary Adam

Decision rendered by: _____ **on October 1, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: October 4, 2019

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 July 15, 2019, and was determined to be complete on August 12, 2019.

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 July 15, 2019.

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: December 10, 2019.**

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 October 18, 2019** 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.

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 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 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed,* the final decision will be recorded after **October 21, 2019** 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.

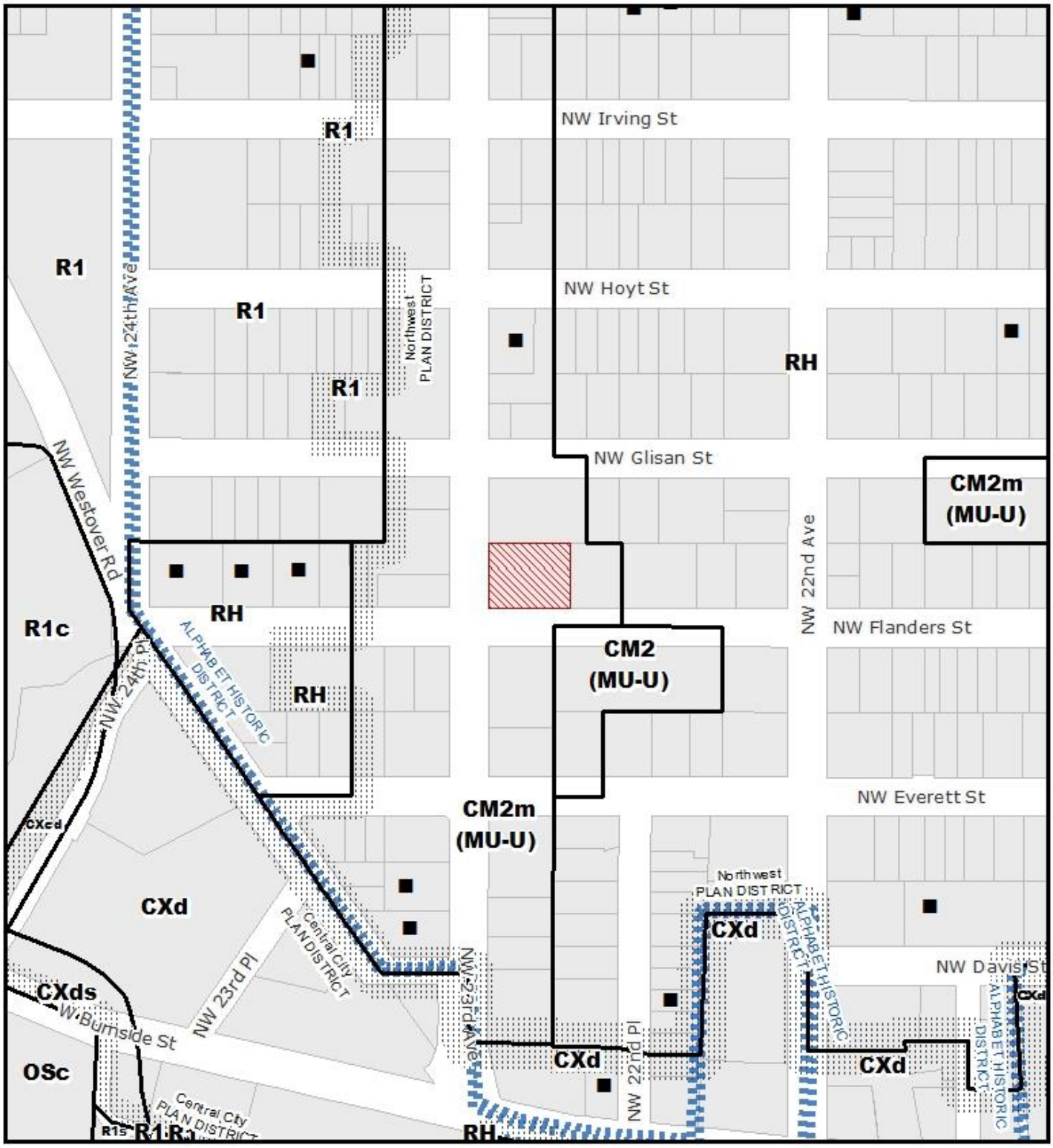
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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
   1. Narrative
   2. Early Assistance Summary
   3. Original Drawing Set
   4. Completeness Response – Narrative and Cutsheets, received August 12, 2019
   5. Completeness Response – Drawings, received August 12, 2019
   6. Additional Completeness Drawings, received August 14, 2019
   7. Landscape Calculation Drawings, received August 16, 2019
   8. Additional Information received September 20, 2019
   9. Renderings received September 20, 2019
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. West and South Elevations (attached)
   3. South and East Elevations (attached)
   4. East Patio Elevation and Enlarged Patio Plan
   5. Patio Section at Ramp
   6. Patio and Planter Details
   7. Storefront Details
   8. Canopy Details
   9. Storefront Details
   10. Patio Structure Spec Sheet
   11. Landscape Details
   12. Landscape Details
   13. Lighting Plan
   14. Impervious Area Exhibit
   15. Materials Sheet
   16. Lighting Specifications
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Life Safety Division of BDS
   2. Fire Bureau
F. Correspondence: none
G. Other:
   1. Original LU Application
   2. Incomplete Letter. dated July 29, 2019

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

NORTH

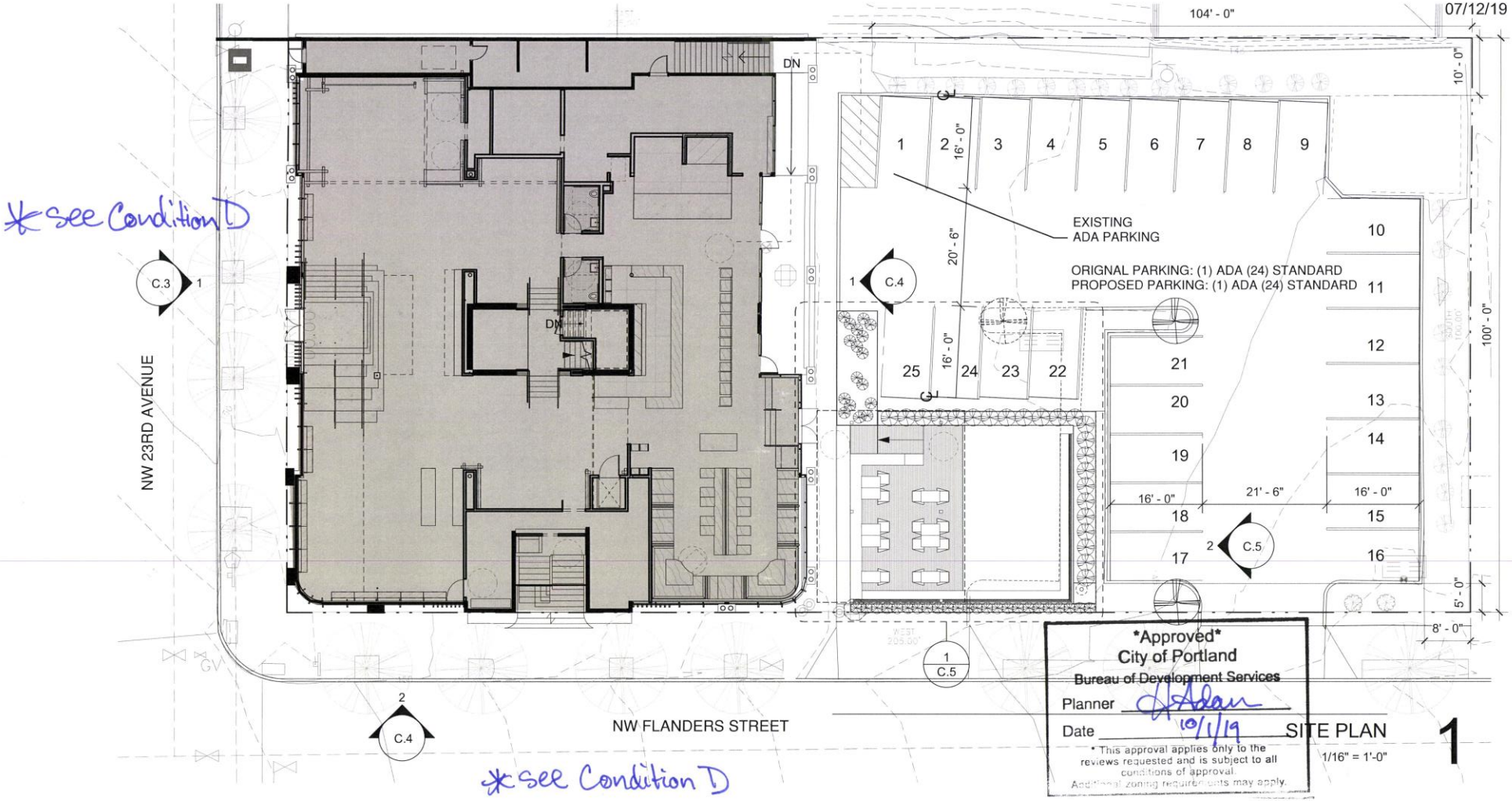
NORTHWEST PLAN DISTRICT
ALPHABET HISTORIC DISTRICT

Site

Historic Landmark

File No.	LU 19-193115 HRM
1/4 Section	3027
Scale	1 inch = 200 feet
State ID	1N1E33CB 500
Exhibit	B Aug 27, 2019

404 NW 23rd Ave
Portland, OR 97210
07/12/19



Approved
City of Portland
Bureau of Development Services
Planner J Adam
Date 10/1/19
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SITE PLAN 1
1/16" = 1'-0"

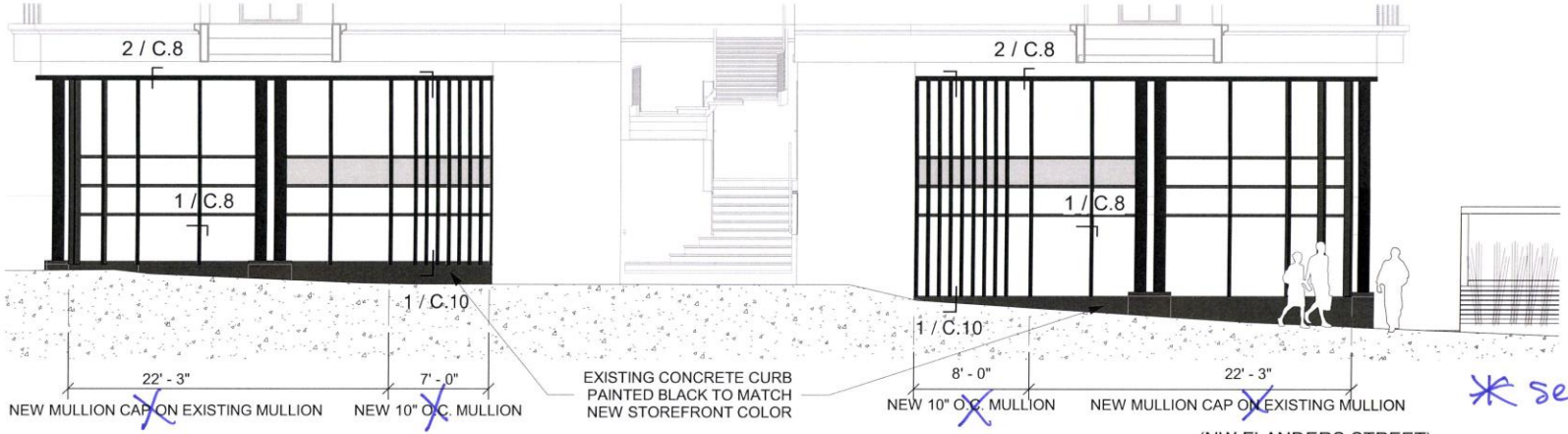
skylab
ARCHITECTURE
INTERIOR DESIGN
413 SW 13TH AVE, STE 200
PORTLAND, OR 97205
SKYLABARCHITECTURE.COM
OFFICE 503 525 9315

snow peak

Land Use Review # (LU 19-193115 HRM

SITE C-1

404 NW 23rd Ave
Portland, OR 97210
07/12/19



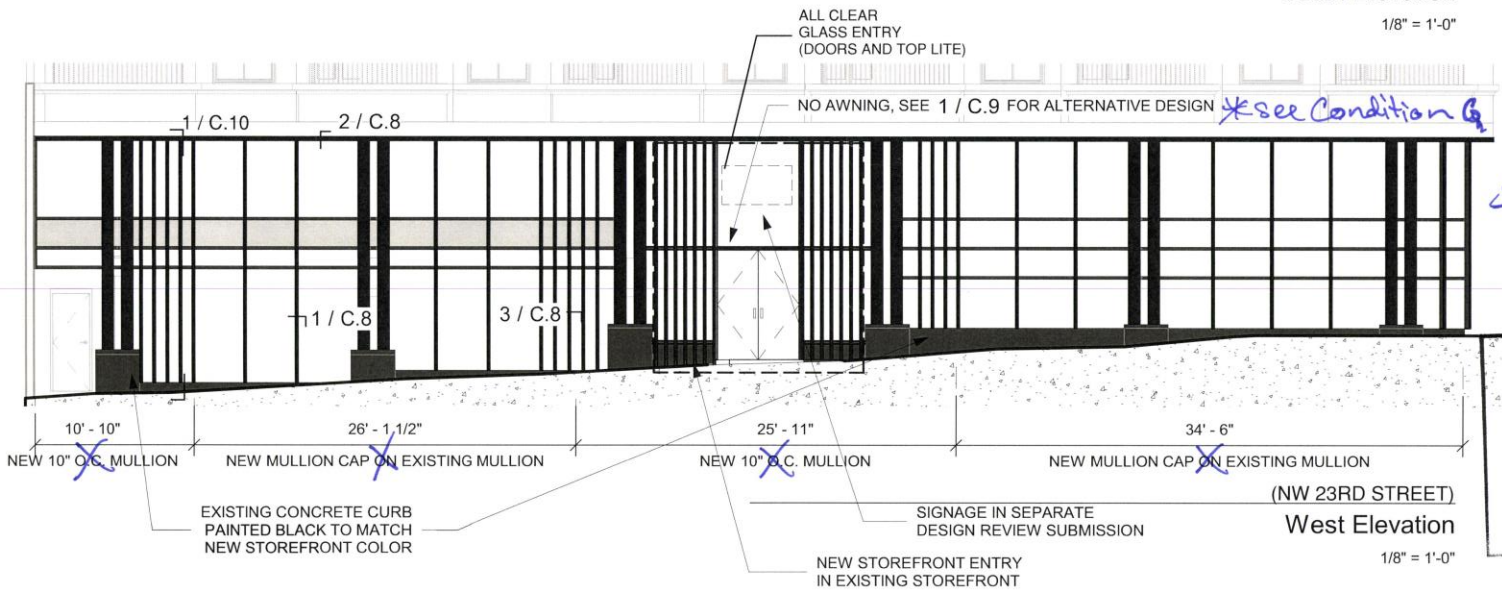
* see Condition D

(NW FLANDERS STREET)

South Elevation

1/8" = 1'-0"

2



* see Condition G

* See Condition D

(NW 23RD STREET)

West Elevation

1/8" = 1'-0"

1

Approved
City of Portland
Bureau of Development Services
Planner
Date 10/1/19
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

skylab
ARCHITECTURE
INTERIOR DESIGN
413 SW 13TH AVE, STE 200
PORTLAND, OR 97205
SKYLABARCHITECTURE.COM
OFFICE 503 525 9315

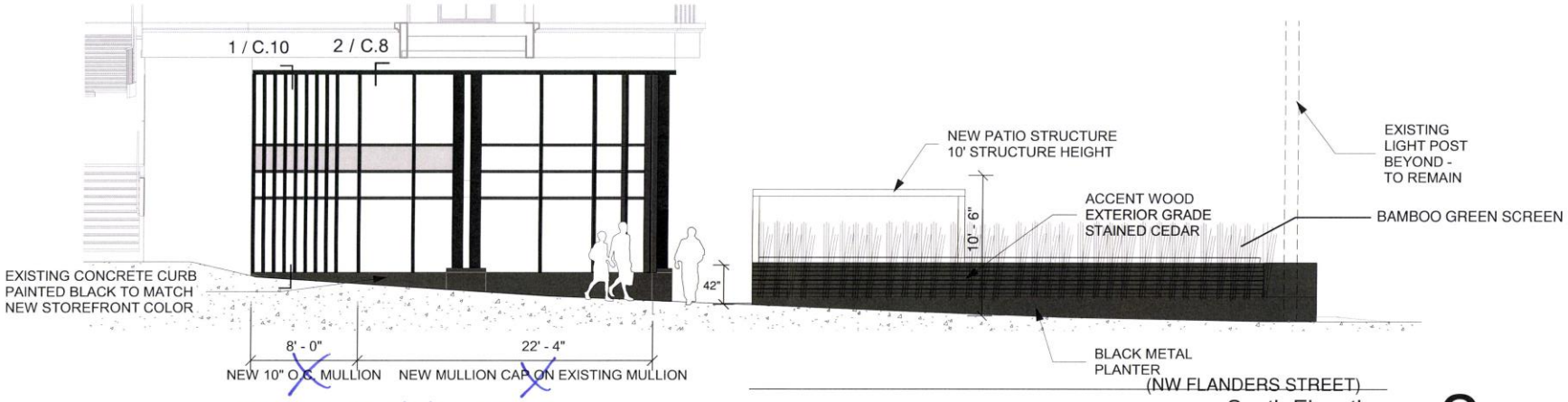
snow peak

Land Use Review # (LU 19-193115HRM

EXTERIOR ELEVATIONS

C-2

404 NW 23rd Ave
Portland, OR 97210
07/12/19

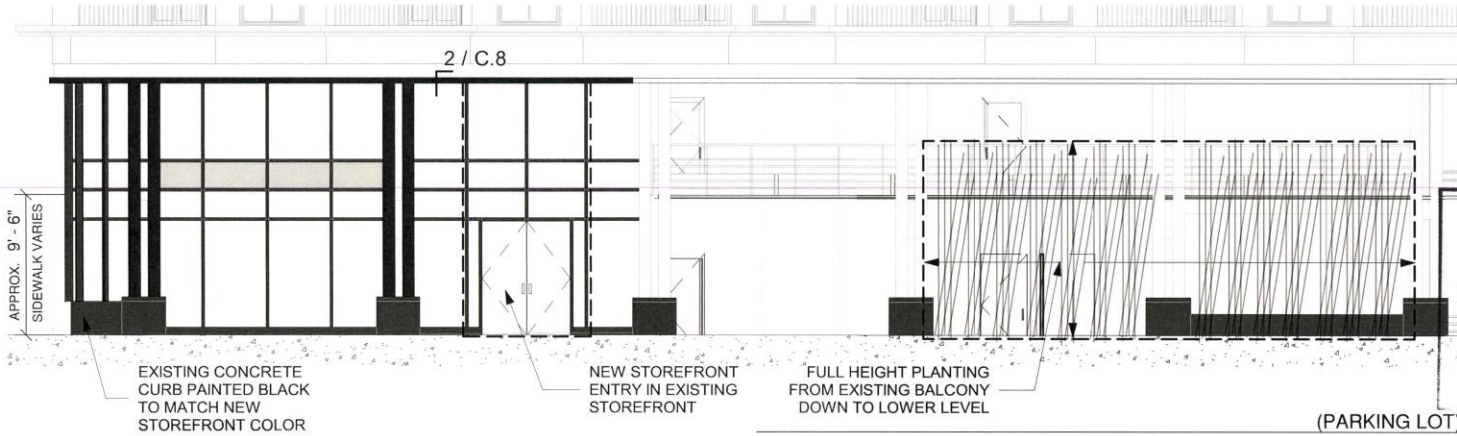


*see Condition D

*see Condition E

South Elevation 2

1/8" = 1'-0"



Approved
City of Portland
Bureau of Development Services
Planner
Date 10/1/19
This approval applies only to the reviews requested and is subject to all conditions of approval.
Additional zoning requirements may apply.

East Elevation 1

1/8" = 1'-0"

skylab
ARCHITECTURE
INTERIOR DESIGN
413 SW 13TH AVE, STE 200
PORTLAND, OR 97205
SKYLABARCHITECTURE.COM
OFFICE 503 525 9315

snow peak

Land Use Review # (LU 19-193115 HRM

EXTERIOR ELEVATIONS C-3