



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**Date:** February 28, 2020  
**To:** Interested Person  
**From:** Grace Jeffreys, Land Use Services  
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## **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 19-264998 HR - LUC LAC SIDE YARD**

#### **GENERAL INFORMATION**

**Applicant:** Annabelle Lee | Orange  
3530 N Mississippi Ave, Portland, OR, 97227  
907.209.7879, [annabelle@orange-pdx.com](mailto:annabelle@orange-pdx.com)

**Owner:** Downtown Dirt LLC  
PO Box 8547, Portland, OR 97207

**Tenant/ Renter:** Alan Ho | Pho Pdx LLC  
835 SW 2nd Ave, Portland OR, 97204

**Site Address:** 831 SW 2ND AVE

**Legal Description:** BLOCK 22 LOT 4 EXC PT IN ST, PORTLAND  
**Tax Account No.:** R667703460  
**State ID No.:** 1S1E03BA 04200  
**Quarter Section:** 3129

**Neighborhood:** Portland Downtown, contact Wendy Rahm at [wvrahm@aol.com](mailto:wvrahm@aol.com)  
**Business District:** Downtown Retail Council, contact at [lfrisch@portlandalliance.com](mailto:lfrisch@portlandalliance.com)  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Plan District:** Central City - Downtown  
**Other Designations:** The structure is listed as a Contributing Resource in the Yamhill Historic District and was originally called the Leon Chung Company Building. It is also listed in the City of Portland's Historic Resource Inventory (HRI).

**Zoning:** **CXd**, Central Employment (CX) with a Design (d) and Historic Resource overlays  
**Case Type:** **HR**, Historic Resource Review

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

**Proposal:**

The applicant seeks **Historic Resource Review** approval for exterior alterations to a contributing resource in the Yamhill Historic District and the Central City Plan District. The proposal includes the following changes to the existing under-utilized side yard off SW Taylor:

- A new fence the length of the side yard, consisting of stucco faced concrete piers with steel infill panels and two gates;
- A new patio seating area;
- A new one-story storage structure set back from the street frontage; and,
- A new exit door and associated ramp to side of the existing building facing the side yard.

Historic Resource Review is required because proposal is for non-exempt exterior alterations to a structure located within a Historic District.

**Relevant Approval Criteria:**

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

- *Yamhill Historic District*
- *Central City Fundamental Design Guidelines*
- *Oregon Statewide Planning Goals*

Please note: The decision adopting the July 9, 2018 code (CC2035 Plan) was appealed to the Land Use Board of Appeals (LUBA). LUBA's decision has been appealed to the Oregon Court of Appeals by multiple parties. While the particular code provisions this project relies on are not at issue in the appeal, if the courts remand CC2035, the City will revert back to the version of PCC 33.510 that was in existence before July 9, 2018 until Council is able to readopt CC2035. Please be aware of the following. As details of the remand and results of the Council's future action to the remand are unknown at this time, this land use review is being reviewed under two versions of PCC 33.510. The most recent version that went into effect on July 9, 2018, and the previous PCC 33.510 version that was in effect prior to July 9, 2018.

## ANALYSIS

**Site and Vicinity:** The subject site is a flat, rectangular, corner parcel of land with an existing 3-story mixed-use commercial building situated on the southeast section of the lot, leaving a vacant side yard facing SW Taylor, which is the subject of this review. The subject property was built in 1884 in the High Victorian Italianate style, and is considered a contributing resource within the Yamhill Historic District. The brick structure has exposed brick coursing and hood moldings with third floor broken gable, chimneys and caps. The storefronts have been significantly altered over the years, and a recent Historic Resource Review approved replacement storefronts and signage (LU 15-278348 HR). The building is part of an area considered the "Chinese Quarter" through the early 1900's (Exhibit G.8).

The building fronts SW 2<sup>nd</sup> Ave and SW Taylor St. Both streets are fully improved to City standards. The surrounding area is a highly developed and historic part of the downtown area. Adjacent lots are occupied by a diverse array of businesses, commercial and residential structures.

**Zoning:** The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design

districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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 Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region’s premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the Downtown Subdistrict of this plan district.

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

- LU 85-006245 HL (HL 54-85). Approval for a storefront remodel.
- LU 90-021480 MP (MP 036-90). Approval for a 2-lot partition.
- LU 94-010960 DZ (LUR 94-00058). Approval to remove a window and replace with a door.
- LU 94-011613 DZ (LUR 94-00711). Approval of vestibule and to remove lower front window. Case was voided.
- LU 05-135079 HDZ. Approval of two new power louvers, painted to match building.
- LU 08-102198 LDP. Approval of a 2-lot partition resulting in one vacant parcel and one parcel fully occupied by the existing structure.
- LU 14-147746 HR. Approval of a new opening and steel door with a small service window on the rear elevation. Door to be painted to match wall.
- LU 15-278348 HR – Luc Lac Storefront. Historic resource approval for exterior alterations, including wood framed storefront windows and doors, an illuminated aluminum cabinet sign on the corner, and the replacement of brick capitals and metal flashing which were removed without permit.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **January 27, 2020**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1a and E.2b)
- Bureau of Transportation Engineering (Exhibit E.2)
- Life Safety Section of BDS (Exhibit E.3)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on January 27, 2020. 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, Historic Reviews**

#### **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 a designated a Contributing Resource within the Yamhill Historic District and is located within the Downtown Sub-district of the Central City Plan District. Therefore, the relevant approval criteria are the Yamhill Historic Design Guidelines and the Central City Fundamental Design Guidelines.

### **Design Guidelines for the Yamhill Historic District and Central City Fundamental Design Guidelines**

The Yamhill Historic District is a unique asset to Portland and has been recognized nationally by its placement on the National Register of Historic Places. There are certain procedures and regulations the City has adopted for the protection and enhancement of the Yamhill Historic District.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality** addresses design issues and elements that reinforce and enhance Portland’s character. **(B) Pedestrian Emphasis** addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design** addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas** provides design guidelines for the four special areas of the Central City.

### **Central City Plan Design Goals**

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City’s districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City’s districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

### **Design Guidelines for the Yamhill Historic District**

#### **General Guidelines Alterations and Additions to Historic Landmarks, Potential Landmarks and Other Compatible Buildings**

**A. Retention of Original Construction.** So far as practicable, all original exterior materials and details shall be preserved.

**H. Rear and Side Walls.** Generally, the standards which apply to the fronts of buildings also apply to rear and side walls, although the conditions to meet are usually much simpler. The chief concern lies with the removal of redundant additions to each building including signs, pipes, non-functioning stacks, grills, television aerials, etc. The repair and repointing of brick or masonry, painting of wood or certain masonry surfaces, and an effort to coordinate and subdue the clutter of the mechanical equipment are all recommended.

**Findings for A and H:** This proposal is for changes to an under-used side yard that opens directly to SW Taylor. The proposed improvements include a decorative metal fence along the street edge, a new one-story building to screen services located at the rear of the yard, and a new side door to access the yard.

- The proposed new fence will lightly touch the original construction only, by attaching a pair of hinges to the side wall to support the new gate adjacent to the structure.
- The proposed new one-story storage structure is free standing and will not touch the original construction.
- Installation of the new exit door on the west side elevation will entail the removal of some existing brick wall to create a new opening, however, the area impacted is under 25 square feet and the door is situated to the rear of the side yard well away from the street frontage. This brick side façade, like typical side façades in the district, is utilitarian with no ornamentation, and likely originally meant to be concealed by an adjacent building. This new egress door will have a minor impact on the resource but will provide an opportunity to activate the side yard by connecting the interior of the restaurant with the outdoor patio area just inside the fence along SW Taylor.

*These guidelines have been met.*

**F. Scale and Proportion.** The scale and proportion of altered or added building elements, the relationship of voids to solids (i.e. openings such as doors and windows to walls and column elements) shall be visually compatible with the traditional architectural character of the Historic District. An important element within the Historic District was the emphasis on the pedestrian scale activities which were characterized with the addition of canvas awnings or permanent canopies. This defined an important scale and proportion element of the District and to the extent possible, this relationship at pedestrian level should be re-established within the District.

**Findings:** The proposed new decorative metal fence, new one-story storage building, and new side door to access the yard are all minor elements which have the potential to improve the condition of the existing neglected side yard, as well as the experience for pedestrians walking along SW Taylor.

- The decorative metal fence, which will be the most visible feature, has been designed to respond to the decorative character of the High Victorian Italianate style contributing resource and the surrounding historic district. It offers a human-scaled element of quality materials which will provide interest and detail, as well as help partially screen the storage building and services to the rear of the side yard. As noted under “Site and Vicinity” above, this building is part of an area considered the “Chinese Quarter” through the early 1900’s (Exhibit G.8). Building upon this theme, the decorative fence panels use a Chinese influenced pattern, which adds scale, detail and interest to the pedestrian level.
- The shed is low in height, at under 10 feet, and is set to the rear of the side yard away from the street frontage, so will be only partially visible through the minimum 50 percent visible fence.

*This guideline has been met.*

**I. Color.** The colors used in alterations or additions within the District shall be visually compatible with the traditional architectural character of the historic buildings within the area.

- Historically, in the era of the late 1800’s and early 1900’s, painting was usually done using earth colors, i.e., hues tending towards brown, soft greens, and beiges.
- Bright colors and white were rarely used. Buildings, therefore, are perhaps most appropriately painted using subdued colors. Little or nothing is gained by the use of strong or loud colors, especially those with no tradition of local usage.
- Color combinations will occur, as nearly all buildings will have wood trim or metal ornamentation in addition to their base materials. This, plus the further elaboration of wood storefronts, suggests the use of an overall wall color plus one or two trim colors.
- A method for determining the original wall and trim colors consists of scraping chips from the existing surface and analyzing them microscopically. This should be done whenever the original color is unknown and major repainting is contemplated.

**Findings:** The proposed colors are a beige off-white for the trim, a brownish-red or dark brownish-gray for the metal fence and infill panels, and a soft green for the stucco piers, all earth colors in that they are tending towards brown, soft greens, and beiges. *This guideline has been met.*

### **Central City Fundamental Design Guidelines**

**A4. Use Unifying Elements.** Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

**A5. Enhance, Embellish, and Identify Areas.** Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.

**A7. Establish and Maintain a Sense of Urban Enclosure.** Define public rights-of-way by creating and maintaining a sense of urban enclosure.

**A8. Contribute to a Vibrant Streetscape.** Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

**C6. Develop Transitions between Buildings and Public Spaces.** Develop transitions between private development and public open space. Use site design features such as movement zones, landscape elements, gathering places, and seating opportunities to develop transition areas where private development directly abuts a dedicated public open space.

**Findings for A4, A5, A7, A8 and C6:** As noted above, the proposed new decorative metal fence, new one-story storage building, and new side door to access the yard all have the potential to improve the condition of the existing neglected side yard, and enhance the experience for pedestrians walking along SW Taylor.

- The design of the new decorative metal fence, which will be the most visible feature, responds to the ornate character of the adjacent High Victorian Italianate contributing resource and the surrounding historic district by providing a human-scaled design of quality materials. As noted under "Site and Vicinity" above, the building is part of an area considered the "Chinese Quarter" through the early 1900's (Exhibit G.8). Building upon this theme, the decorative fence panels use a Chinese influenced pattern, which adds a unifying feature that will enhance the adjacent right of way along SW Taylor, as well as better define the urban edge.
- Just inside the new fence will be a new patio space for outside dining, which will add activation to the street frontage, contributing to a more vibrant streetscape.
- The new exit door on the west elevation facing the side yard is situated to the rear of the yard, well away from the street frontage. This new door, which will have a minor impact on the resource, will provide the opportunity to activate the side yard by connecting the interior of the restaurant with the outdoor patio seating area, providing a visual and physical connection to the buildings' active interior use, which is a restaurant, to the adjacent sidewalk on SW Taylor.
- The new fence and patio area will partially screen the new one-story storage shed behind the patio area, which in turn will fully screen the ground level mechanical units located at the rear of the yard. The new storage shed, located near the rear of the side yard, will provide a screened and covered storage area for trash. It will also fully screen ground level mechanical units at the rear of the yard. At under 10 feet in height, this small shed is located away from the frontage and partially screened from the street to reduce any impact on the pedestrian experience along SW Taylor.

In addition to providing interest, detail and activation, the new fence and patio seating will partially screen the storage building and services to the rear of the side yard. This layering of elements puts the most active uses adjacent to the sidewalk, and screens inactive service uses to the rear of the side yard. The proposed small changes have the

potential to greatly improve the existing neglected side yard and the pedestrian experience along SW Taylor. *These guidelines have been met.*

**A6. Reuse/Rehabilitate/Restore Buildings.** Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

**C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.

**C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

**C4. Complement the Context of Existing Buildings.** Complement the context of existing buildings by using and adding to the local design vocabulary

**C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition

**Findings for A6, C2, C3, C4 and C5:** As noted above, the proposed new decorative metal fence, the new one-story storage shed, and the new exit door, are relatively minor changes with the potential to greatly improve the condition of the existing neglected side yard and the experience for pedestrians walking along SW Taylor.

- The custom decorative metal fence and gates will be composed of laser cut metal panels framed by 3" hollow steel sections welded into position, set between stucco-faced cast concrete piers. These materials, metal and stucco, are known for their durability and longevity.
- The new one-story storage shed, which has been located to the rear of the side yard, will provide a screened and covered storage area for trash. It will also screen ground level mechanical units at the rear of the yard. The shed is under 10 feet in height and is simply clad with tongue and groove cedar siding, suitable in this application given the lo scale of the building and the distance away from the street frontage.
- The new egress door and frame, located on a side wall well away from the street frontage, will be inset 7.5" from the brick face to reduce any impact on the original character of the existing resource, or the surrounding historic district. The door and frame will be steel powder coated in a black semi-gloss. Power coated steel is a quality material, and with the dark color and deep setback from the face of the building, this new door will have little effect on the resource. And, the addition of a door here will provide the opportunity to activate the side yard by connecting the interior of the restaurant with the outdoor patio area just inside the fence along SW Taylor.

The new fence, shed and door are appropriately scaled, designed and placed in a manner that respects the integrity of the existing brick resource and results in a cohesive design. The design and materials are of a high quality and will offer quality and permanence in alignment with the historic district. *These guidelines have been met.*

## **Oregon Statewide Planning Goals**

### **Goal 1: Citizen Involvement**

Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

**Findings:** The City of Portland maintains an extensive citizen involvement program which complies with all relevant aspects of Goal 1, including specific requirements in Zoning Code Chapter 33.730 for public notice of land use review applications that seek public comment on proposals. There are opportunities for the public to testify at a local hearing on land use proposals for Type III land use review applications, and for Type II and Type Ix land use decisions if appealed. For this application, a written notice seeking comments on the

proposal and notifying of the public hearing was mailed to property-owners and tenants within 400 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 of the site. Additionally, the site was posted with a notice describing the proposal and announcing the public hearing.

The public notice requirements for this application have been and will continue to be met, and nothing about this proposal affects the City's ongoing compliance with Goal 1.

*Therefore, the proposal is consistent with this goal.*

### **Goal 2: Land Use Planning**

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It states that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

**Findings:** Compliance with Goal 2 is achieved, in part, through the City's comprehensive planning process and land use regulations. For quasi-judicial proposals, Goal 2 requires that the decision be supported by an adequate factual base, which means it must be supported by substantial evidence in the record. As discussed earlier in the findings that respond to the relevant approval criteria contained in the Portland Zoning Code, the proposal complies with the applicable regulations, as supported by substantial evidence in the record. *As a result, the proposal meets Goal 2.*

### **Goal 3: Agricultural Lands**

Goal 3 defines "agricultural lands," and requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

### **Goal 4: Forest Lands**

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

**Findings for Goals 3 and 4:** In 1991, as part of Ordinance No. 164517, the City of Portland took an exception to the agriculture and forestry goals in the manner authorized by state law and Goal 2. Since this review does not change any of the facts or analyses upon which the exception was based, the exception is still valid, and *Goal 3 and Goal 4 do not apply.*

### **Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources**

Goal 5 relates to the protection of natural and cultural resources. It establishes a process for inventorying the quality, quantity, and location of 12 categories of natural resources. Additionally, Goal 5 encourages but does not require local governments to maintain inventories of historic resources, open spaces, and scenic views and sites.

**Findings:** The City complies with Goal 5 by identifying and protecting natural, scenic, and historic resources in the City's Zoning Map and Zoning Code. Natural and scenic resources are identified by the Environmental Protection ("p"), Environmental Conservation ("c"), and Scenic ("s") overlay zones on the Zoning Map. The Zoning Code imposes special restrictions on development activities within these overlay zones. Historic resources are identified on the Zoning Map either with landmark designations for individual sites or as Historic Districts or Conservation Districts. *Compliance with all requirements related to this designation have been verified as part of this land use review. Therefore, the proposal is consistent with Goal 5.*

### **Goal 6: Air, Water and Land Resources Quality**

Goal 6 requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

**Findings:** Compliance with Goal 6 is achieved through the implementation of development regulations such as the City’s Stormwater Management Manual at the time of building permit review, and through the City’s continued compliance with Oregon Department of Environmental Quality (DEQ) requirements for cities. The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application, as mentioned earlier in this report. *The Bureau of Environmental Services reviewed the proposal for conformance with sanitary sewer and stormwater management requirements and expressed no objections to approval of the application. Staff finds the proposal is consistent with Goal 6.*

#### **Goal 7: Areas Subject to Natural Disasters and Hazards**

Goal 7 requires that jurisdictions adopt development restrictions or safeguards to protect people and property from natural hazards. Under Goal 7, natural hazards include floods, landslides, earthquakes, tsunamis, coastal erosion, and wildfires. Goal 7 requires that local governments adopt inventories, policies, and implementing measures to reduce risks from natural hazards to people and property.

**Findings:** The City complies with Goal 7 by mapping natural hazard areas such as floodplains and potential landslide areas, which can be found in the City’s MapWorks geographic information system. The City imposes additional requirements for development in those areas through a variety of regulations in the Zoning Code, such as through special plan districts or land division regulations. *The subject site is not within any mapped floodplain or landslide hazard area, so Goal 7 does not apply.*

#### **Goal 8: Recreation Needs**

Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expediting siting of destination resorts.

**Findings:** The City maintains compliance with Goal 8 through its comprehensive planning process, which includes long-range planning for parks and recreational facilities. Staff finds the current proposal will not affect existing or proposed parks or recreation facilities in any way that is not anticipated by the zoning for the site, or by the parks and recreation system development charges that are assessed at time of building permit. Furthermore, nothing about the proposal will undermine planning for future facilities. *Therefore, the proposal is consistent with Goal 8.*

#### **Goal 9: Economy of the State**

Goal 9 calls for diversification and improvement of the economy. Goal 9 requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

**Findings:** Land needs for a variety of industrial and commercial uses are identified in the adopted and acknowledged Economic Opportunity Analysis (EOA) (Ordinance 187831). The EOA analyzed adequate growth capacity for a diverse range of employment uses by distinguishing several geographies and conducting a buildable land inventory and capacity analysis in each. In response to the EOA, the City adopted policies and regulations to ensure an adequate supply of sites of suitable size, type, location and service levels in compliance with Goal 9. The City must consider the EOA and Buildable Lands Inventory when updating the City’s Zoning Map and Zoning Code. *Because this proposal does not change the supply of industrial or commercial land in the City, the proposal is consistent with Goal 9.*

#### **Goal 10: Housing**

Goal 10 requires local governments to plan for and accommodate needed housing types. The Goal also requires cities to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**Findings:** The City complies with Goal 10 through its adopted and acknowledged inventory of buildable residential land (Ordinance 187831), which demonstrates that the City has zoned and designated an adequate supply of housing. For needed housing, the Zoning Code includes clear and objective standards. *Since this proposal is not related to housing or to land zoned for residential use, Goal 10 is not applicable.*

#### **Goal 11: Public Facilities and Services**

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

**Findings:** The City of Portland maintains an adopted and acknowledged public facilities plan to comply with Goal 11. See Citywide Systems Plan adopted by Ordinance 187831. The public facilities plan is implemented by the City's public services bureaus, and these bureaus review development applications for adequacy of public services. Where existing public services are not adequate for a proposed development, the applicant is required to extend public services at their own expense in a way that conforms to the public facilities plan. *In this case, the City's public services bureaus found that existing public services are adequate to serve the proposal, as discussed earlier in this report.*

#### **Goal 12: Transportation**

Goal 12 seeks to provide and encourage "safe, convenient and economic transportation system." Among other things, Goal 12 requires that transportation plans consider all modes of transportation and be based on inventory of transportation needs.

**Findings:** The City of Portland maintains a Transportation System Plan (TSP) to comply with Goal 12, adopted by Ordinances 187832, 188177 and 188957. The City's TSP aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." The extent to which a proposal affects the City's transportation system and the goals of the TSP is evaluated by the Portland Bureau of Transportation (PBOT). *As discussed earlier in this report, PBOT evaluated this proposal and found there were no transportation-related impacts. Therefore, the proposal is consistent with Goal 12.*

#### **Goal 13: Energy**

Goal 13 seeks to conserve energy and declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

**Findings:** With respect to energy use from transportation, as identified above in response to Goal 12, the City maintains a TSP that aims to "make it more convenient for people to walk, bicycle, use transit, use automobile travel more efficiently, and drive less to meet their daily needs." This is intended to promote energy conservation related to transportation. Additionally, at the time of building permit review and inspection, the City will also implement energy efficiency requirements for the building itself, as required by the current building code. *For these reasons, staff finds the proposal is consistent with Goal 13.*

#### **Goal 14: Urbanization**

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

**Findings:** In the Portland region, most of the functions required by Goal 14 are administered by the Metro regional government rather than by individual cities. The desired development pattern for the region is articulated in Metro's Regional 2040 Growth Concept, which emphasizes denser development in designated centers and corridors. The Regional

2040 Growth Concept is carried out by Metro’s Urban Growth Management Functional Plan, and the City of Portland is required to conform its zoning regulations to this functional plan. *This land use review proposal does not change the UGB surrounding the Portland region and does not affect the Portland Zoning Code’s compliance with Metro’s Urban Growth Management Functional Plan. Therefore, Goal 14 is not applicable.*

**Goal 15: Willamette Greenway**

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

**Findings:** The City of Portland complies with Goal 15 by applying Greenway overlay zones which impose special requirements on development activities near the Willamette River. *The subject site for this review is not within a Greenway overlay zone near the Willamette River, so Goal 15 does not apply.*

**Goal 16: Estuarine Resources**

This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”

**Goal 17: Coastal Shorelands**

This goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for “water-dependent” or “water-related” uses.

**Goal 18: Beaches and Dunes**

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

**Goal 19: Ocean Resources**

Goal 19 aims “to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.” It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19’s main requirements are for state agencies rather than cities and counties.

**Findings:** *Since Portland is not within Oregon’s coastal zone, Goals 16-19 do not apply.*

## **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 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. The design and placement of the proposed new fence, patio seating, storage shed, and side door puts the most active uses adjacent to the sidewalk, and screens inactive service uses to the rear of the side yard. These proposed minor changes will have little impact on the existing resource but have the potential to greatly improve an under-used side yard and the pedestrian experience along SW Taylor. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of changes to the existing under-utilized side yard off SW Taylor which include a new fence the length of the side yard, a new patio seating area, a new one-story storage structure, and a new exit door and ramp to the side of the existing building.

Approval per the site plans, Exhibits C-1 through C-5, signed and dated February 25, 2020, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 19-264998 HR." 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.

**Staff Planner: Grace Jeffreys**

**Decision rendered by:**  **on February 25, 2020**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: February 28, 2020**

**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 13, 2019** and was determined to be complete on **January 22, 2020**.

*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 13, 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: May 21, 2020**.)

**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 March 13, 2020** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> 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 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 **March 13, 2020** 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.

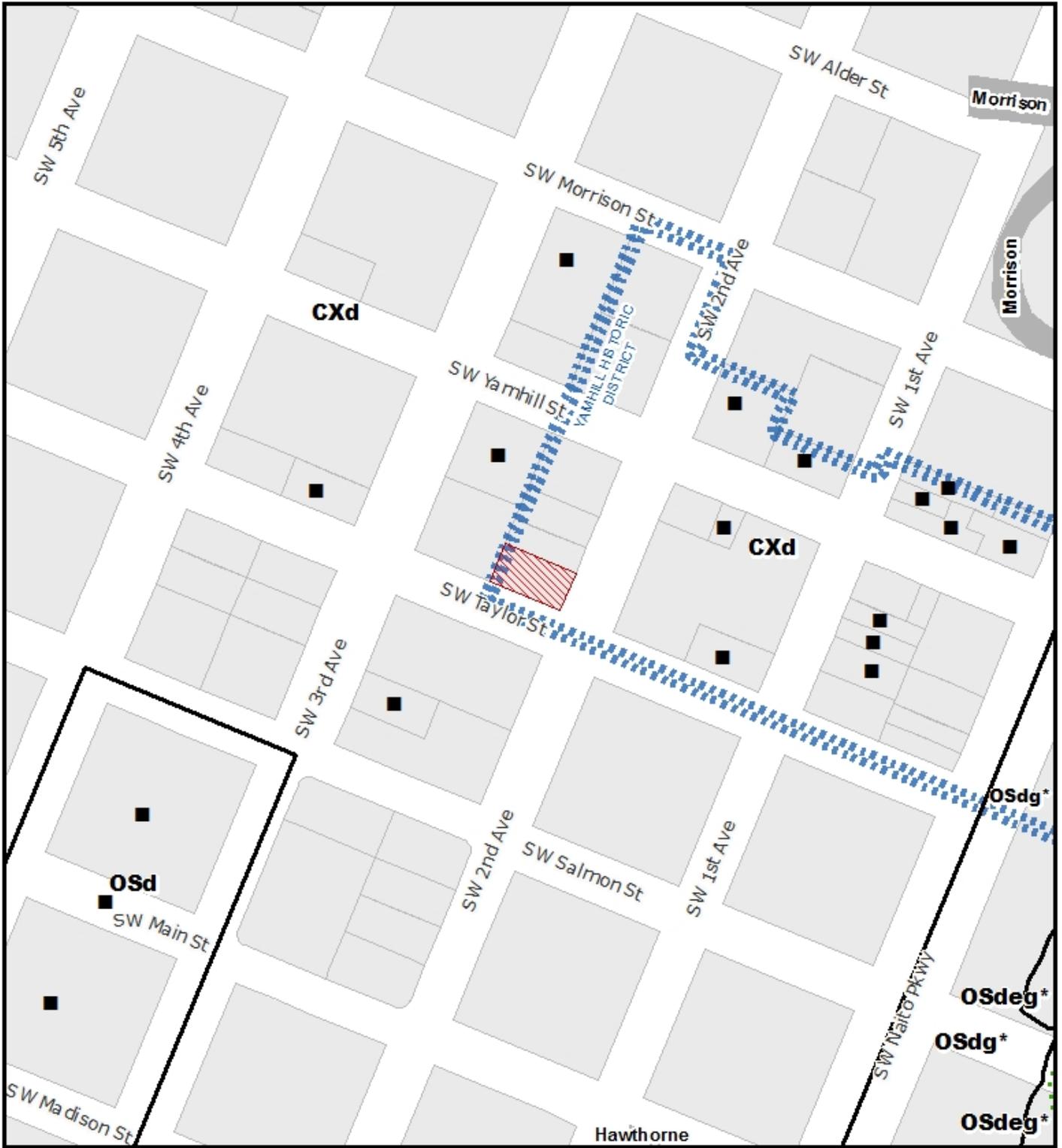
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. Original submission
  2. Fence options, 1/2/20
  3. Revised design, 1/7/20
  4. Photos of existing base prior to new paint, 1/8/20
  5. Revised design, 1/16/20
  6. Revised design without brick base, 1/17/20
  7. Revised drawing set, 1/18/20
  8. Cutsheets, 1/23/20
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. Fence details, plan & elevation
  3. South Elevation (attached)
  4. Shed Details (attached)
  5. West Elevation (attached)
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Life Safety Review Section of BDS
- F. Correspondence: none received.
- G. Other:
  1. Original LU Application
  2. Site photos
  3. Incomplete letter, 12/20/19
  4. Staff email response, 1/6/20
  5. Staff email response, 1/8/20
  6. Staff email response, 1/17/20
  7. Staff email response, 1/22/20
  8. Site History

**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

CENTRAL CITY PLAN DISTRICT  
 DOWNTOWN SUB DISTRICT  
 YAMHILL HISTORIC DISTRICT



-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 19 - 264998 HR
1/4 Section	3129
Scale	1 inch = 163 feet
State ID	1S1E03BA 4200
Exhibit	B Dec 17, 2019

# LUC LAC PATIO

## 835 SW 2ND AVENUE PORTLAND, OR

### PROJECT TEAM

**PROPERTY OWNER:**  
 7871 LLC  
 PO BOX 9847  
 PORTLAND OR 97207

**TENANT:**  
 ALAN HO  
 835 SW 2ND AVE  
 PORTLAND OR 97204  
 503.231.1111

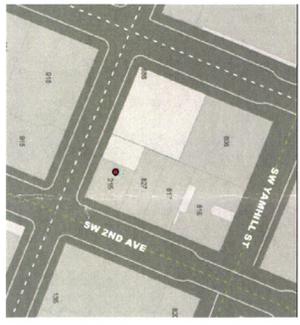
**CONTRACTOR / DESIGNER / LIGHTING DESIGN:**  
 ORANGE  
 3525 N HANCOCK AVE  
 SUITE 1100  
 PORTLAND, OREGON 97218  
 503.283.7879

**ANNUNCIABLE USE:**  
 RESTAURANT  
 907.209.7879

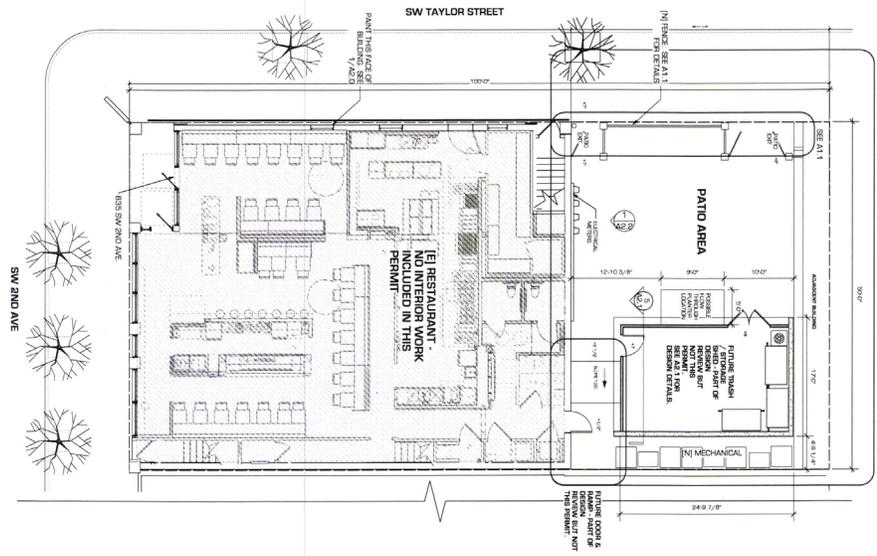
**DESCRIPTION OF WORK**  
 BACK YARD WORK TO INCLUDE A NEW FENCE AND MECHANICAL AREA, 917 SF OF PATIO USE.

### DRAWING INDEX

- A.00 PROJECT TEAM BUILDING INFO, HERSHROCK AND OCCUPANT LOAD CALCULUS, SITE PLAN, CODE SUMMARY
- A.1.1 FENCE PLAN, SECTION AND ELEVATION
- A.2.0 NEW WEST ELEVATION
- A.2.1 NEW SOUTH ELEVATION & ELEVATION OF FUTURE TRASH / STORAGE AREA



1 LOCATION OF WORK



2 SITE PLAN

**APPROVED**  
 City of Portland  
 Bureau of Development Services

**Permit:** [Signature]  
**Date:** 2/25/20

\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
 A valid planning requirement may apply.

LU 19-2649984K EXU-C-1

**A.O.O.**

**LUC LAC PATIO**  
 835 SW 2ND AVENUE PORTLAND, OR

**orange**  
 3525 N HANCOCK AVE  
 PORTLAND, OREGON  
 503.283.7879

**PROJECT NOTES:**  
 LOCATION OF WORK  
 SIMILAR TO ORDINANCE  
 BREAKDOWN

**DATE:** 2/13/20  
**DESIGN REVIEW:** 2/13/20  
**DATE:** 2/13/20  
**PERMITTED BY:** 202.534

### RELATED PERMITS & APPEALS:

18-142808 CO & REVOT 1 FOR LUC LAC EXPANSION OPERATING 3 SIDE BY SIDE 8 OCCUPANCIES

APPEAL 180971  
 2016 ENERGY EFFICIENCY SPECIALTY CODE  
 2016 ELECTRICAL SPECIALTY CODE  
 2017 ELECTRICAL SPECIALTY CODE  
 2017 MECHANICAL SPECIALTY CODE  
 2017 PLUMBING SPECIALTY CODE

\* PLUMBING MECHANICAL ELECTRICAL TYPE 1 HAZARDOUS AND WARM COOLER (INCLUDING ANCHORAGE) ON BY SEPARATE PERMIT

LU 15-578348 HR LU REVIEW FOR NEW STOREFRONT WINDOWS AND SIGN

13-148988 CO & REVOT 1 FOR LUC LAC KITCHEN BAR & BATHROOM WORK, 54 OCCUPANTS

### CODE SUMMARY

2019 OREGON STRUCTURAL CODE  
 2016 ENERGY EFFICIENCY SPECIALTY CODE  
 2016 ELECTRICAL SPECIALTY CODE  
 2017 ELECTRICAL SPECIALTY CODE  
 2017 MECHANICAL SPECIALTY CODE  
 2017 PLUMBING SPECIALTY CODE

### BATHROOM CALCULATION

PER TABLE 29.04

BUILDING OCCUPANT LOAD  
 LUC LAC SIDE A 23  
 LUC LAC SIDE B 3  
 PATIO AREA 81

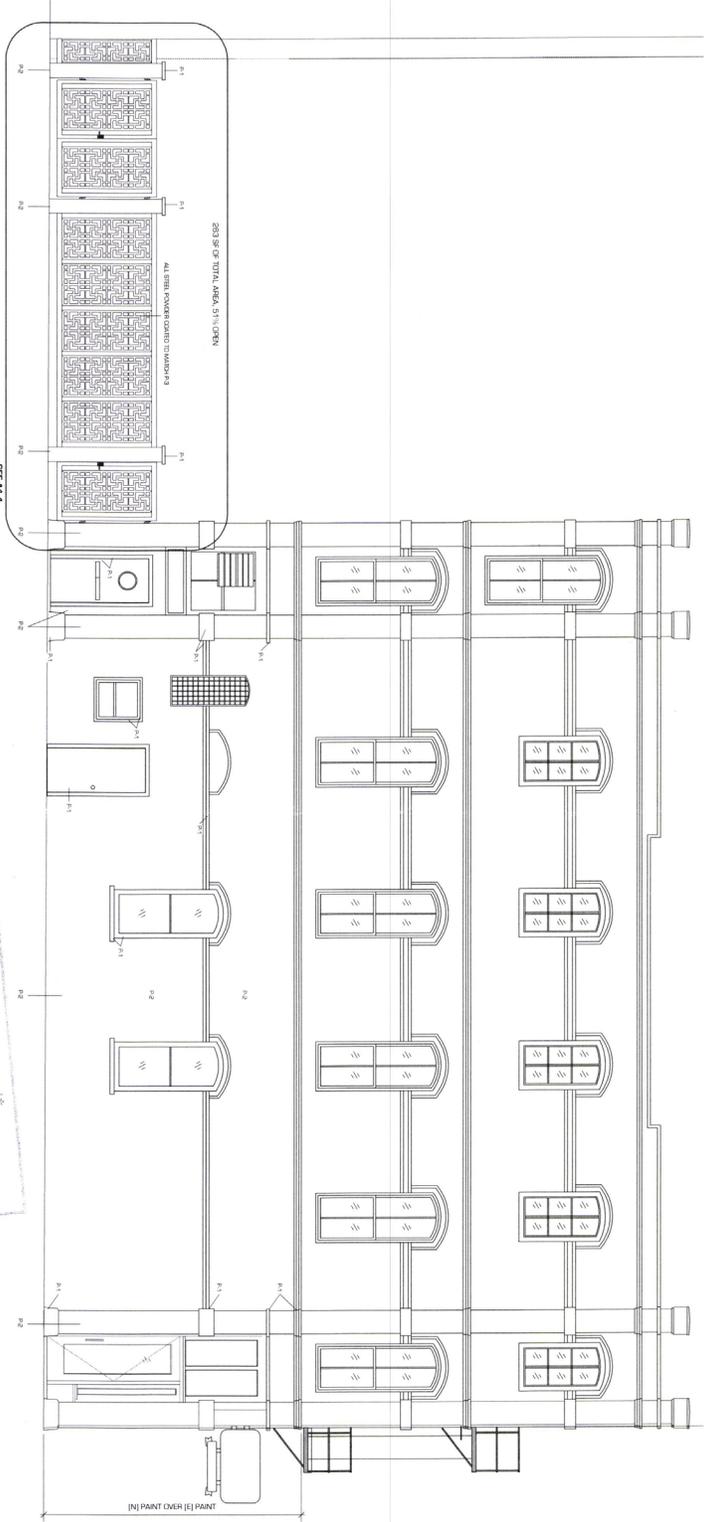
TOTAL OCCUPANTS SERVED: 141  
 (141 / 2) = 71 OCCUPANTS EACH SEX

WATER CLOSET PATIO 175  
 1 WATER CLOSET PER SEX REQUIRED & PROVIDED

LAUNDRY PATIO 1200  
 1 LAUNDRY PER SEX REQUIRED & PROVIDED

**LUC LAC PATIO**  
 835 SW 2ND AVENUE PORTLAND, OR

1  
 A2.0  
 NEW SOUTH ELEVATION  
 1/4" = 1'



**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner  
 Date: 2/25/20  
 \* This approval applies only to the reviewer's review and does not constitute a guarantee of any kind. The City of Portland is not responsible for the accuracy of the information provided herein. The City of Portland is not responsible for the accuracy of the information provided herein. The City of Portland is not responsible for the accuracy of the information provided herein.

**PAINT SCHEDULE**

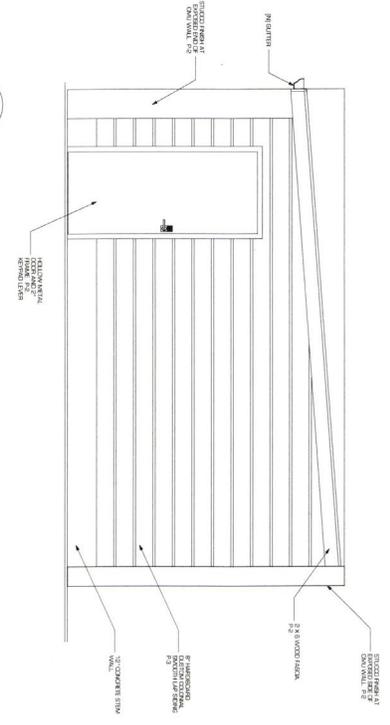
ID	Location	Color Code	Paint Company	Color Name	Spec	Color Family
P-1	Trim	AF-20	Benjamin Moore	Wainscott	Spec	Off-White
P-2	Soop & Fence	575	Benjamin Moore	Revere	Spec	Green
P-3	Fence Infill		Benjamin Moore	Whisper	Spec	Medium

W 19-20498 TR EX-1.3

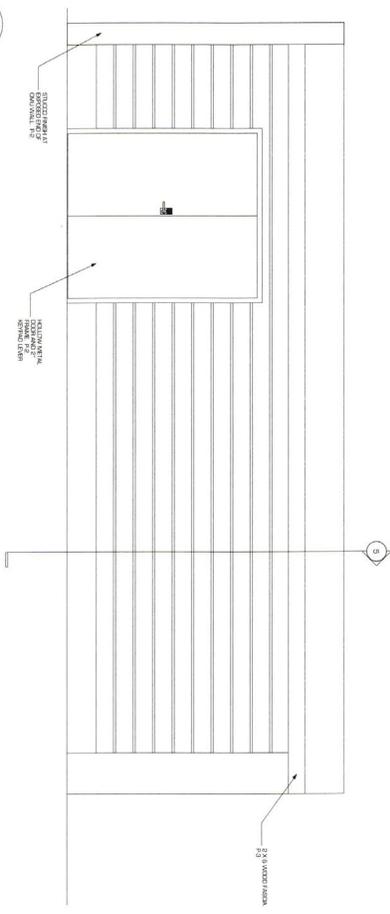
DATE: 1/17/20  
 DESIGN REVIEW: 1/17/20  
 SCALE: AS SHOWN  
 SHEET NO. 02 OF 04  
 PROJECT: 19-20498  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]

A2.0

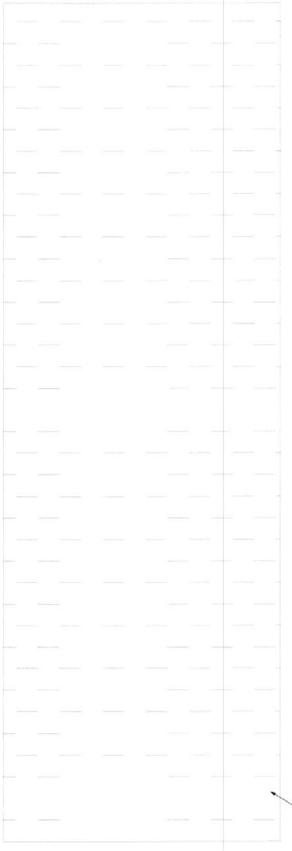
NEW SOUTH ELEVATION AND PAINT SCHEDULE



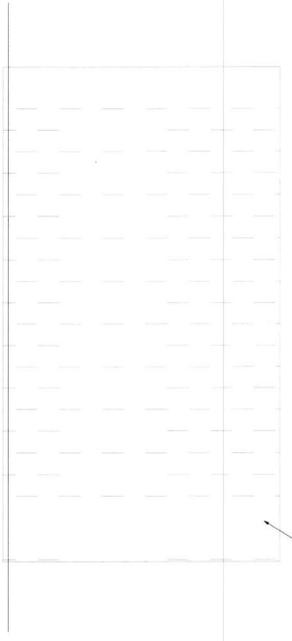
1 EAST ELEVATION OF STORAGE ROOM  
 A2.1  
 1/2" = 1'



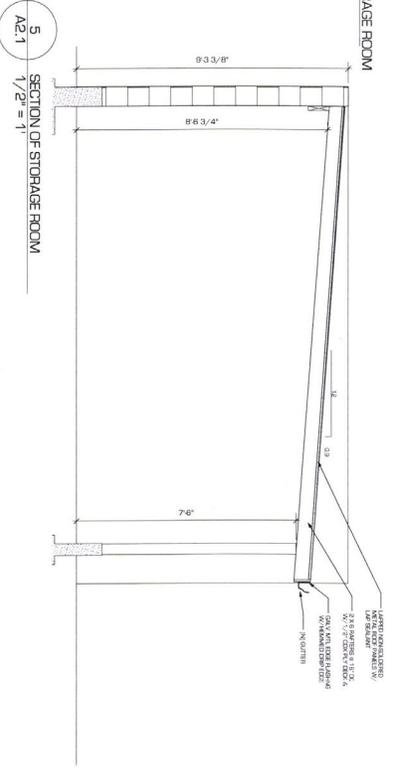
2 SOUTH ELEVATION OF STORAGE ROOM  
 A2.1  
 1/2" = 1'



3 NORTH ELEVATION OF STORAGE ROOM  
 A2.1  
 1/2" = 1'



4 WEST ELEVATION OF STORAGE ROOM  
 A2.1  
 1/2" = 1'



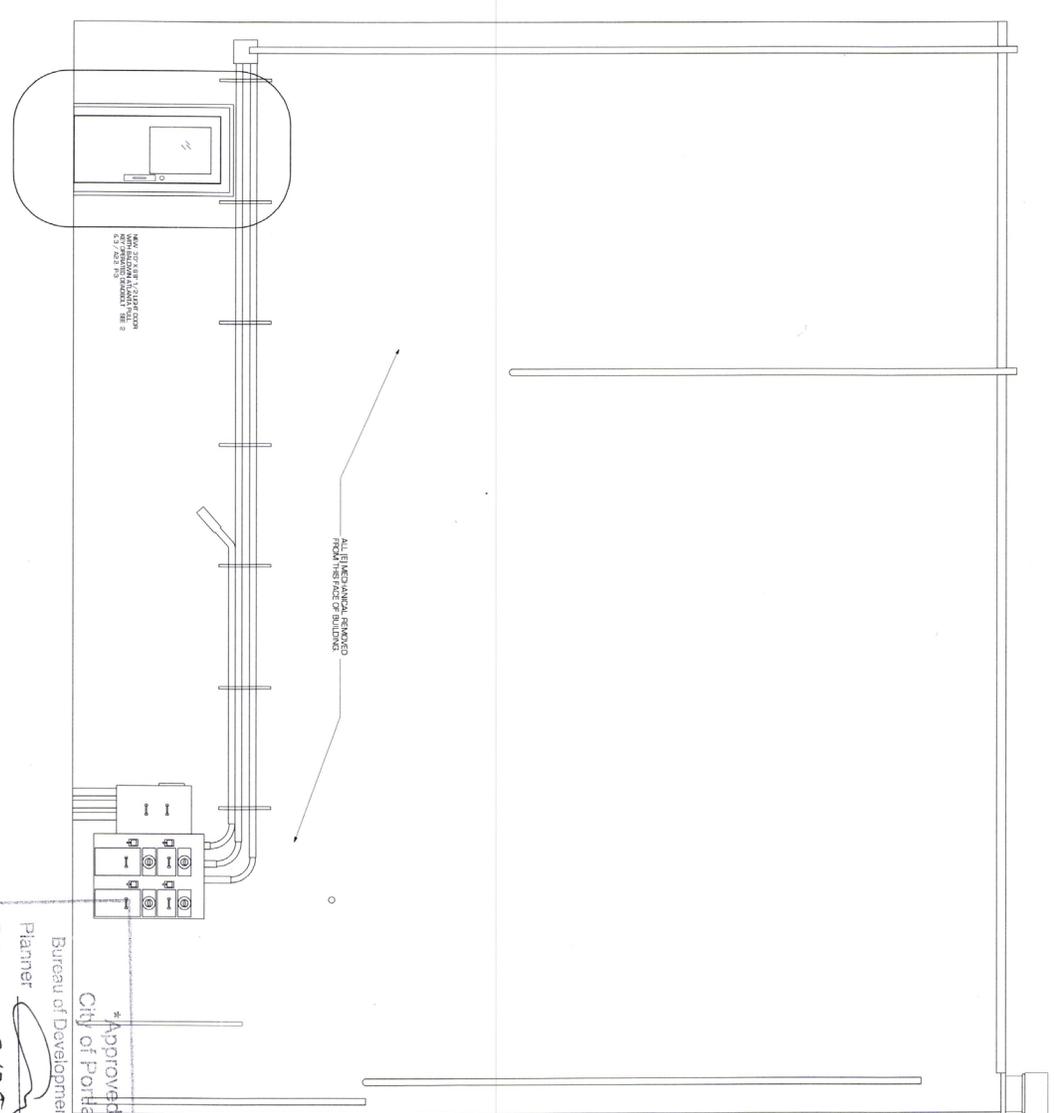
5 SECTION OF STORAGE ROOM  
 A2.1  
 1/2" = 1'

**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner *[Signature]*  
 Date 2/25/20  
 \* This approval is given for the  
 reviews required by the City of Portland  
 code books and does not constitute  
 a professional engineering or architectural  
 seal.

LU 19-264998 NR

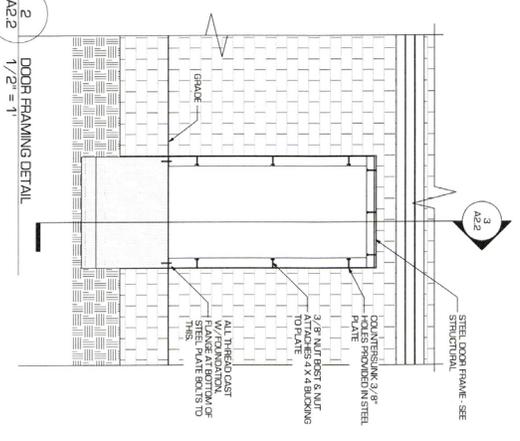
EXH. C.4

1 NEW WEST ELEVATION OF BUILDING  
1/2" = 1'

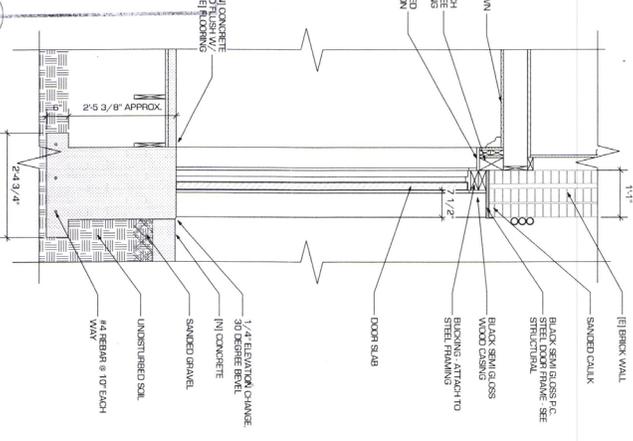


**Approved\***  
City of Portland  
Bureau of Development Services  
Planner  
Date 2/25/20  
\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
Additional zoning requirements may apply.

2 DOOR FRAMING DETAIL  
1/2" = 1'



3 SECTION THROUGH DOOR  
3/4" = 1'



LU 19-264998 the EXHIBITS

A22

DATE: 11/7/20  
DESIGN REVIEW: 11/7/20  
AS NOTED WHEN PRINTED: 9/22/21  
DRAWN: [unintelligible]  
[unintelligible] BACK DOOR DESIGN DETAILS

**LUC LAC PATIO**  
835 SW 2ND AVENUE PORTLAND, OR

**orange**  
3530 N WASHINGTON AVE  
PORTLAND, OR 97218  
503.251.4289  
CEN 175249