



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

Charlie Hales, Mayor
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: May 23, 2013
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@portlandoregon.gov

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in 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 it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 13-127610 HDZM – MINOR EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Stuart Hunziker / Eastern Real Estate LLC
120 Presidential Way Suite 300 / Woburn, MA 01801

Representative: Kevin Johnson 503-224-9656 / GBD Architects
1120 NW Couch Street / Portland, OR 97209

Site Address: 220 NW 8th Avenue

Legal Description: BLOCK 51 EXC PT IN ST, COUCHS ADD
Tax Account No.: R180204500
State ID No.: 1N1E34CB 05500
Quarter Section: 3029
Neighborhood: Pearl District, contact Patricia Gardner at 503-243-2628.
Business District: Pearl District Business Association, Adele Nofield at 503-223-0070.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - River District
Other Designations: Historic Landmark pursuant to listing in the National Register of Historic Places as the US Customs House on May 2, 1974.

Zoning: CXd, Central Commercial with Historic Resource Protection Overlay and Design Overlay

Case Type: HDZM, Historic Design Review with a Modification requested
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is seeking Historic Design Review approval for a proposal to make minor exterior alterations to the subject property, as follows:

- replacement of existing handrails with code compliant rails;
- installation of directional and identification signs related to accessible entrance and parking locations;

- installation of three short-term bike racks; and
- planting of new landscaping materials.

Modification: The applicant is seeking a modification to 33.266130 G to legalize existing non-conforming parking landscaping and setbacks.

APPROVAL CRITERIA:

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

- 33.846.060 G Other Approval Criteria
- 33.846.070 Modifications Considered During Historic Design Review
- Central City Fundamental Design Guidelines – River District

ANALYSIS

Site and Vicinity: The subject property is a large, stone, three and four story, Beaux Arts style federal building which originally served as the local US Customs House for the port of Portland. Over time it has also housed many other federal agencies. The building occupies the entire block bounded by NW 8th, Everett, Broadway, and Davis, and faces west toward the North Park Blocks. It was completed in 1901, just prior to the great upsurge in the population of Portland following the Lewis and Clark Exposition, and was listed in the National Register of Historic Places on May 2, 1974. Its setting is enhanced by the green and tree covered presence of the North Park Blocks across NW 8th Avenue.

Zoning: The commercial zones implement the commercial policies and plan map designations of the Comprehensive Plan. The zones are for areas of the City designated by the Comprehensive Plan for commercial uses. The differences in the zones reflect the diversity of commercial areas in the City. The zones are distinguished by the uses allowed and the intensity of development allowed. Some of the zones encourage commercial areas that are supportive of surrounding residential areas, while other zones allow commercial areas which have a community or regional market. The regulations promote uses and development which will enhance the economic viability of the specific commercial district and the city as a whole. In general, a wide range of uses is allowed in each zone. Limits on the intensity of uses and the development standards promote the desired character for the commercial area. The development standards are designed to allow a large degree of development flexibility within parameters which support the intent of the specific zone. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

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 Historic Resource Protection chapter 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 Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

Public Notice: A “Notice of Proposal in Your Neighborhood” was mailed May 2, 2013.

Agency Review: None of the notified Bureaus has responded with issues or concerns.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

(1) Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

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

Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is a designated Historic Landmark. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. In addition, because the site is located within the Central City and the River District, the relevant approval criteria are the Central City Fundamental Design Guidelines and the River District Design Guidelines.

Staff has considered all approval criteria and addressed only those applicable to this proposal.

G. Other Approval Criteria:

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

Findings: No significant historic materials will be affected. *This criterion is not applicable.*

- 2. 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.

Findings: The proposed alterations are of a very minor nature, will not have any impact on the building proper, and will not have any adverse effect on the historic character of the property or of neighboring properties. *This criterion is met.*

River District Design Guidelines and Central City Fundamental Design Guidelines

C1-1. Integrate Parking. Design surface parking and parking garage exteriors to visually integrate with their surroundings. This guideline may be accomplished by:

- a) Designing street facing parking garages to not express the sloping floors of the interior parking;

- b) Designing the sidewalk level of parking structures to accommodate active uses, display windows, public art or other features which enhance the structure's relationship to pedestrians; or
- c) Accommodating vending booths along sidewalks adjacent to parking facilities, when active ground level uses are not possible.

Findings: Although it has been in place for decades, the onsite parking associated with the US Customs House, along NW Davis Street at its south edge, is not historic. Originally the property is likely to have displayed open lawn or possibly flower beds at this location, similar to the current treatment on the north side. However, requiring that the existing parking area be landscaped to current, generic, standards would not only eliminate valuable parking stalls, but would also introduce additional historically uncharacteristic treatments. It is more important to retain the remaining open character at the south side of the building than to bring the parking lot into strict compliance with the Zoning Code, and the purpose of the plantings is well served elsewhere on the site. *This guideline is met.*

C13. Integrate Signs. Integrate signs and their associated structural components with the building's overall design concept. Size, place, design, and light signs to not dominate the skyline. Signs should have only a minimal presence in the Portland skyline.

Findings: The proposed signage is functional in character and modest in size, providing information and wayfinding. It is not attached to the building but is carefully placed in relation to it. *This guideline is met.*

(2) 33.846.070 Modifications Considered During Historic Design Review

The approval criteria for modifications considered during historic design review are:

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

33.266130 G - Purpose. The development standards promote vehicle areas which 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 restrictions for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; and
- 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 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.

Modification: The applicant is seeking a modification to 33.266130 G to legalize existing non-conforming parking landscaping and setbacks.

Findings for A: As evidenced in the findings under Guideline C1-1 above, the resulting development will better meet the approval criteria because it will avoid introduction of yet another uncharacteristic site treatment to the historic property.

Findings for B: Preservation of the character of the historic resource is more important than meeting the purpose of the standard because the openness of the site along its sides is a character defining feature; and the purposes of the regulation are generally met by plantings and open areas elsewhere on the site.

The proposed modification meets the approval criteria and preservation of the historic character is more important than meeting the purpose of the standard, and therefore 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 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 proposed minor alterations will not affect this important building directly, and will not adversely affect the vicinity. The purpose of the Historic Design 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 meets the applicable Historic Design Review criteria and modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of replacement handrails, bicycle parking, new plantings, and directional/information signage, at the Historic Landmark US Customs House;

Approval of a modification to 33.266130 G for parking landscaping;

Approvals are per Exhibits C-1 through C-5, signed and dated May 20, 2013, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-127610 HDZM. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by: Dave Skilton **on May 20, 2013.**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 23, 2013

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 March 13, 2013, and was determined to be complete on April 30, 2013.

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 March 13, 2013.

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.

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **May 24, 2013**.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun. Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

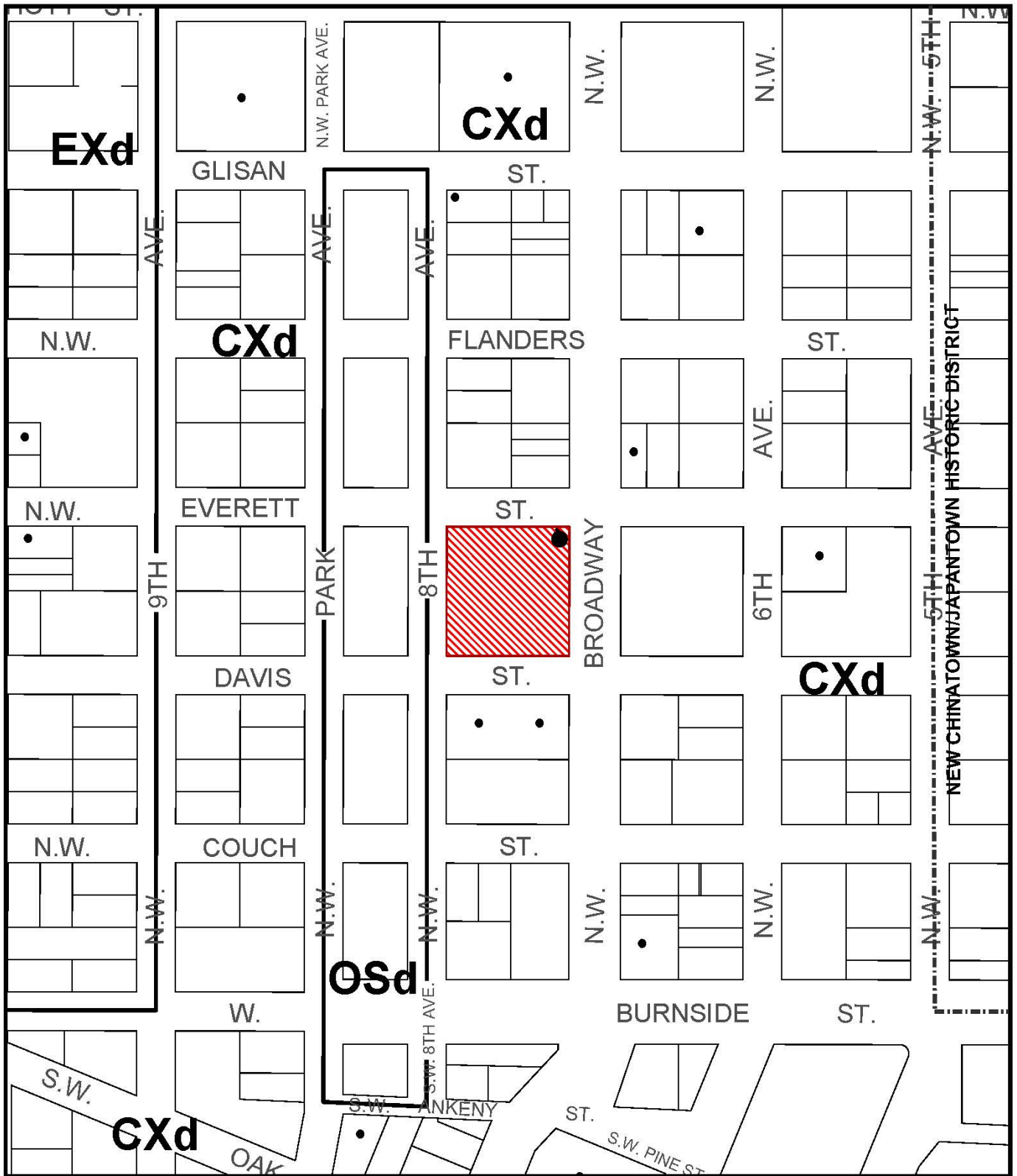
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan/Project Key (attached)
 2. South and Courtyard North Elevations
 3. West and West Courtyard Elevations
 4. East and Detail Elevations
 5. Landscape Details
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Development Services – Life Safety
- F. Correspondence: none
- G. Other:
 1. Original LU Application

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



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT

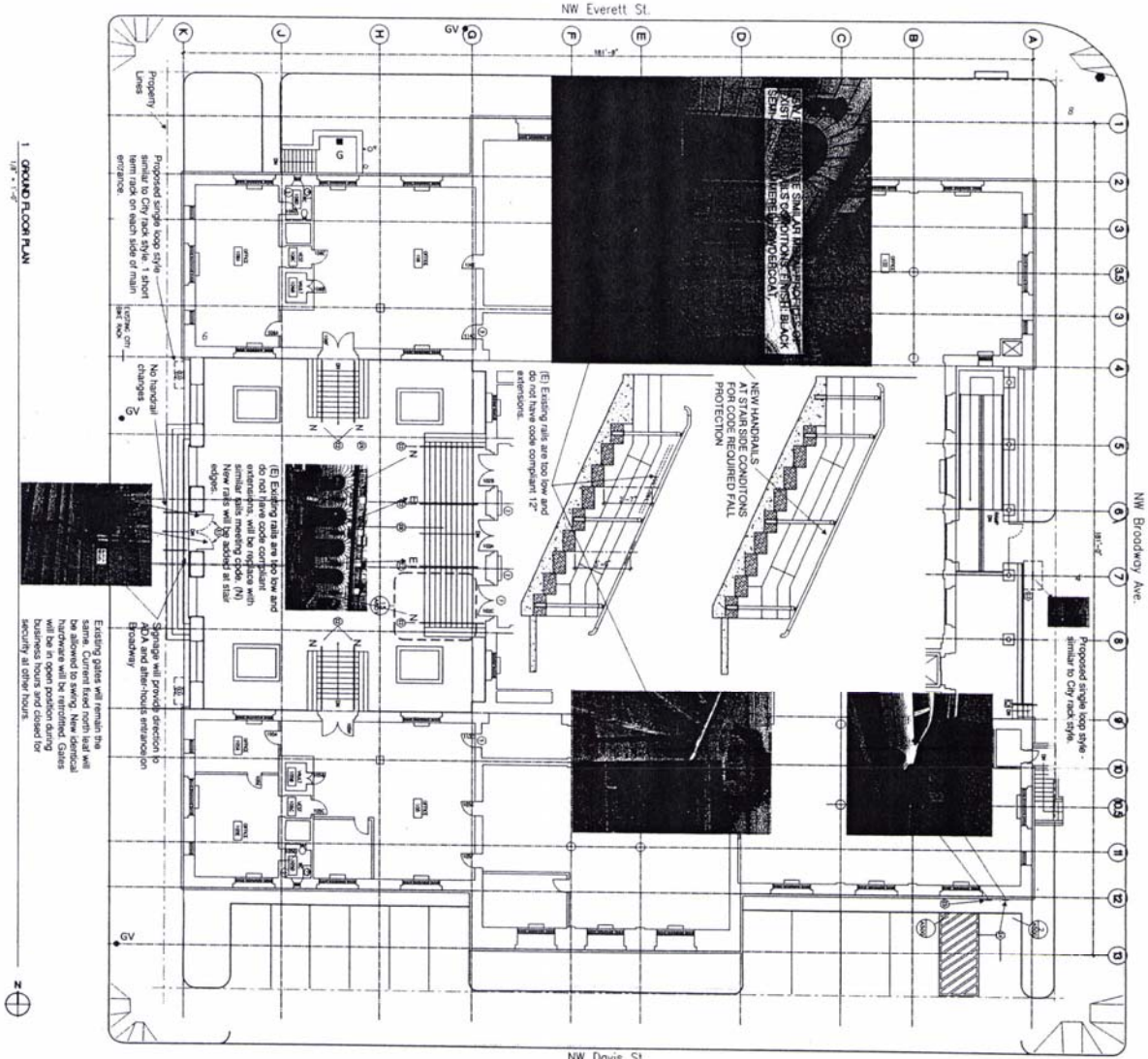
File No. LU 13-127610 HDZM

1/4 Section 3029

Scale 1 inch = 200 feet

State_Id 1N1E34CB 5500

Exhibit B (Mar 14, 2013)



1. GROUND FLOOR PLAN



- GENERAL SHEET NOTES**
1. SEE ALL SHEET NOTES FOR ALL REQUIREMENTS. THE WORK SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND DESIGN STANDARDS AND SPECIFICATIONS.
 2. EXISTING CONDITIONS SHALL BE SHOWN AS DASHED LINES.
 3. NEW CONSTRUCTION SHALL BE SHOWN AS SOLID LINES.
 4. ALL EXISTING WORK SHALL BE PRESERVED UNLESS OTHERWISE NOTED.
 5. ALL EXISTING WORK SHALL BE PRESERVED UNLESS OTHERWISE NOTED.

- SHEET KENOTES**
1. SEE SHEET A101 FOR ALL REQUIREMENTS.
 2. SEE SHEET A102 FOR ALL REQUIREMENTS.
 3. SEE SHEET A103 FOR ALL REQUIREMENTS.
 4. SEE SHEET A104 FOR ALL REQUIREMENTS.
 5. SEE SHEET A105 FOR ALL REQUIREMENTS.
 6. SEE SHEET A106 FOR ALL REQUIREMENTS.
 7. SEE SHEET A107 FOR ALL REQUIREMENTS.
 8. SEE SHEET A108 FOR ALL REQUIREMENTS.
 9. SEE SHEET A109 FOR ALL REQUIREMENTS.
 10. SEE SHEET A110 FOR ALL REQUIREMENTS.
 11. SEE SHEET A111 FOR ALL REQUIREMENTS.
 12. SEE SHEET A112 FOR ALL REQUIREMENTS.
 13. SEE SHEET A113 FOR ALL REQUIREMENTS.

- EXTERIOR - SHEET KENOTES**
1. SEE SHEET A101 FOR ALL REQUIREMENTS.
 2. SEE SHEET A102 FOR ALL REQUIREMENTS.
 3. SEE SHEET A103 FOR ALL REQUIREMENTS.
 4. SEE SHEET A104 FOR ALL REQUIREMENTS.
 5. SEE SHEET A105 FOR ALL REQUIREMENTS.
 6. SEE SHEET A106 FOR ALL REQUIREMENTS.
 7. SEE SHEET A107 FOR ALL REQUIREMENTS.
 8. SEE SHEET A108 FOR ALL REQUIREMENTS.
 9. SEE SHEET A109 FOR ALL REQUIREMENTS.
 10. SEE SHEET A110 FOR ALL REQUIREMENTS.
 11. SEE SHEET A111 FOR ALL REQUIREMENTS.
 12. SEE SHEET A112 FOR ALL REQUIREMENTS.
 13. SEE SHEET A113 FOR ALL REQUIREMENTS.

Historic Design Review
 Exhibit A

ARCHITECT

CSLD

1125 SW 10th Ave
 Suite 200
 Portland, OR 97205
 Phone: 503.228.2222
 Fax: 503.228.2223
 Website: www.cslarchitect.com

CLIENT

13.127610
 2012.61.20

SCALE

AS SHOWN

DATE

13.12.2013

PROJECT NUMBER

2012.61.20

DATE

13.12.2013

SCALE

AS SHOWN

DATE

13.12.2013

Approved

City of Portland - Bureau of Development Services

Planner Dore Riga Date 5.20.13

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

W 13-127610 (10)2M

C-1