



City of Portland, Oregon - Bureau of Development Services

1900 SW Fourth Avenue · Portland, Oregon 97201 | 503-823-7300 | www.portlandoregon.gov/bds



Type II and IIX Decision Appeal Form

LU Number: 17-113306 DZM

FOR INTAKE, STAFF USE ONLY

Date/Time Received 11/1/17 @ 1:11pm Action Attached _____

Received By AP Fee Amount \$250.00

Appeal Deadline Date 11/1/17 [N] Fee Waived

Entered in Appeal Log Bill # 4214020

Notice to Dev. Review Neighborhood St Johns

APPELLANT: Complete all sections below. Please print legibly.

PROPOSAL SITE ADDRESS 8608 N LOMBARD ST. DEADLINE OF APPEAL NOVEMBER 01, 2017

Name RACHEL HILL

Address 2209 N Schofield Street City PORTLAND State/Zip Code OR, 97217

Day Phone 503.849.8337 Email sjnalu@gmail.com Fax _____

Interest in proposal (applicant, neighbor, etc.) St. Johns Neighborhood Association, Land Use Chair

Identify the specific approval criteria at the source of the appeal:

Zoning Code Section 33. _____ . _____ Zoning Code Section 33. _____ . _____

Zoning Code Section 33. _____ . _____ Zoning Code Section 33. _____ . _____

Describe how the proposal does or does not meet the specific approval criteria identified above or how the City erred procedurally:

See attached letter from St. Johns Neighborhood Association

Portland Community Design Guidelines, guidelines P1, D2, D7

Appellant's Signature Rachel Hill

FILE THE APPEAL - Submit the following:

- This completed appeal form
- A copy of the Type II or IIX Decision being appealed
- An appeal fee as follows:
 - \$250, payable to City of Portland
 - No appeal fee is charged when appeal is filed by ONI recognized organizations for properties within organization's boundaries
 - Fee waiver request letter for low income individual is signed and attached
 - Fee waiver request letter for Unincorporated Multnomah County recognized organizations is signed and attached

The City must receive the appeal by 4:30 pm on the deadline listed in the Decision in order for the appeal to be valid. To file the appeal, submit the completed appeal application and fee (or fee waiver request as applicable) at the Reception Desk on the 5th Floor of 1900 SW 4th Ave, Portland, Oregon, between 8:00 am and 4:30 pm Monday through Friday.

A public hearing on the appeal will be held. The land use review applicant, those who testified and everyone who received notice of the initial hearing will receive notice of the appeal hearing date.

Information about the appeal hearing procedure and fee waivers is on the back of this form.

Type II and IIX Appeal Procedure

For land use review applications that follow a Type II and IIX procedure, the Bureau of Development Services makes the decision on the application. This decision is called the Administrative Decision and may be appealed. The applicant and/or an interested person who does not agree with the Administrative Decision may appeal it by using the Type II and IIX Decision Appeal Form and submitting an appeal fee. No appeal fee is charged for Type II and IIX appeals when filed by an ONI recognized organization; the appeal must be for property located within the organization's boundaries, and the vote to appeal must be in accordance with the organization's bylaws. An appeal of a decision triggers an initial hearing before a City review body.

There is a 14-day appeal period that starts the day that the decision is mailed. The last day to appeal is stated in the decision. If appealed, a specific review body hears the case and makes the final City decision. These review bodies include:

- The Hearings Officer
- The Design Commission
- The Portland Historic Landmarks Commission
- The Adjustment Committee

Type II and IIX Appeal Hearing

When a decision is appealed, the Bureau of Development Services schedules a public hearing and sends out a notice within five days of receiving the appeal. The hearing is held at least 21 days from the mailing of the notice.

At the hearing, everyone attending is allowed to speak to the review body. The testimony must address whether or not the proposal meets the approval criteria as described in the Administrative Decision or how the City erred procedurally. Written testimony is also accepted prior to or at the hearing. This may include additional information submitted by the applicant and/or appellant.

If a committee reviews the appeal, a decision is made at the hearing. If the Hearings Officer is the review body, they may make a decision at the hearing, or make a decision later. Both the Hearings Officer and the committee must make a written decision and send notice of the decision within 17 days after the hearing. The decision is mailed to the appellant, applicant, and to anyone who submits oral or written testimony at the hearing.

The review body may adopt, modify, or overturn the Administrative Decision based on the information presented at the hearing and in the case record.

Appeal Fees

An appeal of a land use decision must include an appeal fee. There is a \$250 fee charged for appealing a Type II and IIX decision. This fee is refunded if the decision-maker grants the appeal; i.e. agrees with the appellant.

In order for an appeal to be valid, an appeal fee must accompany the appeal form or a fee waiver request must be approved before the appeal deadline as stated in the specific land use decision (Section 33.730.020 of the Portland Zoning Code). See below for fee waiver eligibility information.

Low Income Fee Waiver

The appeal fee may be waived for low income applicants who appeal a land use decision on the site of their primary residence in which they have an ownership interest. In addition, the appeal fee may be waived for low income individuals who have resided for at least 60 days within the required notification area for the land use review. Low income individuals requesting a fee waiver will be required to certify their annual gross income and household size. The appeal fee will only be waived for households with a gross annual income of less than 50 percent of the area median income as established and adjusted for household size by the federal Department of Housing and Urban Development (HUD). All financial information submitted to request a fee waiver is confidential. Fee waiver requests must be approved prior to appeal deadline to be considered for a fee waiver.

Information is subject to change



November 1, 2017

Re: LU 17-113306 DZM - 8608 N Lombard Street

To Whom it may concern:

On Monday, October 31st, 2017 at 7:00pm the St. Johns Neighborhood Association Board held a public meeting to discuss the Type II Design Review Decision that was issued by the Portland Bureau of Development Services on October 18th, regarding the property at 8608 N Lombard Street. At this meeting the Board invited members of the St. Johns stakeholders committee to present their findings in reviewing the design of the building with the approval criteria outlined in the decision that was rendered by City staff. The Administrative Decision on this project was a general approval with some conditions.

Members of the stakeholder committee presented their findings on the decision and found (3) three Design Guidelines that **were not met** by the applicant. Those guidelines are:

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.

The applicant failed to apply the desired characteristics and traditions of the St. Johns Downtown plan area as outlined and referenced to in the St. Johns Lombard Plan. The building mass is overwhelming with no clear distinction in its form or visual hierarchy. Of particular concern is the scale of the large expanses of fiber cement panel cladding that extends from the base of the building to the roof. This feature alone is overwhelming and a direct contradiction to the plan area character. Therefore, this guideline is not met.

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit oriented.

The main entrance to the primary commercial space is a 7' wide, (3'-0" single door) opening at the north corner of the building. The entrance to the primary commercial space is not prominent or interesting. The design exhibits presented gave no indication that this primary entrance was important through detailing or prominent. Each of the bays contain awnings, but no importance or spatial hierarchy is indicated at this entrance through the use of awnings. All of the other bays have similar, if not identical awnings. Furthermore, other openings and recesses in the building facade are wider than the 7' opening for this main entrance. While this entrance is pedestrian accessible, and transit oriented, it is not prominent or interesting. Therefore, this guideline is not met.

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.


The applicant failed to reduce the impact of this new development on the established neighborhood of downtown St. Johns. In the Administrative Decision it was noted that "neither the applicant nor Staff contend that this building is architecturally reminiscent of the existing context." Rather, Staff has indicated that the prominent location allows for a unique building with a "Jewel Box-like" appearance. The purpose of this guideline is to prevent architectural responses that are exceptionally divergent from the character of an established neighborhood. In the design of this building, there is no precedent for the large floor-to-ceiling glass bays. Fiber cement panels as a material choice, also have no precedent in the plan area. The predominant materials of the area include brick, stucco, and lap siding. No details of quality nearby building were utilized in the design of this building. The massing, as mentioned in guideline P1, is disproportionate, and overwhelming to the pedestrian, contrary to the established architectural language in the neighborhood. Therefore, this guideline is not met.

At the conclusion of the presentation, Board members had a question and answer session with the presenters from the stakeholders committee. A motion was made to vote on appealing the Administrative decision. The motion was seconded, and the board members discussed the motion. A vote was held and a unanimous decision was reached for the St. Johns Neighborhood Association to appeal the Administrative Decision to the Portland Design Commission.

The St. Johns Neighborhood Association is appealing the Administrative Decision on the Type II Design Review for LU 17-113306 DZM - 8608 N Lombard Street.

We look forward to the Design Commission hearing on this matter.

Best Regards,



Kyle Janus
SJNA Board Co-Chair



Denis Theriault
SJNA Board Co-Chair