



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: May 23, 3008
To: Interested Person
From: Staci Monroe, 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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-108225 HDZM - HISTORIC DESIGN REVIEW WITH MODIFICATIONS FOR STOREFRONT REMODEL, SIGNAGE, SITE IMPROVEMENTS

GENERAL INFORMATION

Applicant: Nearside LLC (owner)
2373 SW Madison Street
Portland, OR 97205

Representative: Patricia Gardner, 503-228-3273 (architect)
Chesshir Architecture
415 NW 11th Avenue
Portland, OR 97209

Site Address: 2301-2307 NW KEARNEY STREET

Legal Description: BLOCK 25 LOT 3-5 TL 11800, KINGS 2ND ADD
Tax Account No.: R452303890
State ID No.: 1N1E33BC 11800
Quarter Section: 2927
Neighborhood: Northwest District, contact John Bradley at 503-227-7484.
Business District: Nob Hill, contact Peggy Anderson at 503-417-8960.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest
Other Designations: Historic Alphabet District – noncompatible, noncontributing resource
Zoning: CS – Storefront Commercial zone
Case Type: HDZM – Historic Design Review with a modification
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant seeks Historic Design Review for improvements to the existing building and site located in the Historic Alphabet District. The improvements include:

- Reorient the southeastern corner entry to the NW 23rd facade;
- Extend the existing roof overhang to the western portion of the south facade (5'-0" deep) and add the overhang on 23rd facade (3'-0" deep);
- Relocate and recess two of entries on the south facade and provide new wood windows and doors to match existing wood storefront system;
- Add new basalt stone panel tile (Earthrox) to the building's exterior on both the south and east (street-facing) facades;
- Replace 3 existing rooftop mechanical units with 3 new 2'-10" tall units and provide new 3'-0" tall metal louvered mechanical screen painted brown to match the wood building;
- Addition of 1'-6" tall raised landscape planters along the west and south property lines and in-ground planters north of the parking spaces each planted with bamboo and ornamental grasses;
- Add 5 aluminum finish 28-1/8" tall bollards in the southern landscape planter;
- Add 4 non-illuminated signs consisting of 1'-8"(h) x 4'-4" (l) brushed aluminum panels with pin mounted black metal letters each attached under the roof overhand adjacent to each tenant's entrance.
- Reconstruct ADA ramp at pedestrian entry on NW 23rd.

Since the value of the building and site improvements exceeds the threshold of \$124,100, the property is subject to nonconforming upgrades per Section 33.258.070. The proposal includes voluntary upgrades including screening of mechanical rooftop units and perimeter landscape screening of the parking area. The only other applicable nonconforming upgrades include short-term bike parking and pedestrian connections. The applicant seeks modifications to both these standards due to existing conditions.

Modifications through Historic Design Review – Section 33.846.070

1. 33.266.130.G.2.d Perimeter Landscaping – requires a minimum 5' wide landscape planter for surface vehicle areas abutting a street and C zone property lot lines. The standard has not been met for the landscape planters along NW 23rd, NW Kearney and the adjacent property to the immediate west.
2. 33.266.220.A Short-Term Bike Parking – requires 2 short-term bike parking spaces for the 5,535 SF of retail floor area to be within 50' of a main entrances on each facade. The 2 spaces are proposed at the southwestern portion of the parking lot in excess of 50' from the entry on NW 23rd and the southeast entry facing NW Kearney.
3. 33.130.240 Pedestrian Standards – requires a 6' wide pedestrian walkway that connects each entrance with the adjacent two streets. The existing walkway along the southern entrances and the new path to SW Kearney are only 5' wide.

Proposals for exterior alterations to structures within historic districts (Alphabet Historic District) require Historic Design Review.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code and Title 32, Portland Sign Code. The relevant approval criteria are:

- Central City Fundamental Design Guidelines
- Historic Alphabet District Community Design Guidelines

ANALYSIS

Site and Vicinity: The 10,075 SF site located at the northwest corner of NW 23rd & NW Kearney in the Northwest Plan District and Historic Alphabet District. The property is developed with a 5,387 SF one-story commercial building with a surface parking lot on the southern half of the lot and one-way vehicular access from NW 23rd to NW Kearney. The contemporary building was built in 1964 and is

classified as a noncompatible, nonconforming resource in the Historic Alphabet District due to numerous alterations that have detracted from its historic integrity. The rectilinear structure has a deep roof overhang on the south elevation with separate retail entries facing NW Kearney and one at the southeast corner. The exterior is comprised of brick, concrete and large single pane windows.

Zoning: The CS Commercial Storefront zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone allows a full range of retail, service and business uses with a local and regional market area. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The Northwest plan district provides for an urban level of mixed-use development including commercial, office, housing, and employment. The regulations of this chapter promote housing and mixed-use development; discourage auto-oriented developments; enhance the pedestrian experience; and encourage a mixed-use environment and transit supportive levels of development in the area near the streetcar alignment.

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

- VZ 109-63: A 1963 variance approval for reduced setback from 6' to 0' along the west property line for the building and parking lot, parking lot screening and ground cover requirement for the parking lot.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **March 26, 2008**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Plan Review Section of BDS
- Bureau of Parks-Forestry Division

The Bureau of Transportation Engineering responded with the following comment (see Exhibit E-1 for additional details):

- Portland Transportation/Development Review has reviewed the application for its potential impacts regarding the public right-of-way, traffic impacts and conformance with adopted policies, street designations, Title 33, Title 17, and for potential impacts upon transportation services.
- The extension of the roof line over the sidewalk on NW 23 is limited to 3-ft per the City's encroachment policies in Chapter 3202.3.2. Architectural features such as windows, balconies, and mechanical equipment can encroach into the right-of-way 1-inch for every inch above 8-ft, with a maximum encroachment of 4-ft. Since the roof extension is 11-ft about the sidewalk, it can extend a maximum of 3-ft. Since the changes to the parking lot are very minor, the sub-standard parking stall closest to NW 23rd Avenue can remain. In the future, any expansion of the building or reconfiguration of the parking lot will result in the requirement that on-site parking spaces that use the right-of-way for maneuvering must be eliminated.
- System Development Charges (SDCs) may be assessed for this development. The applicant can receive an estimate of the SDC amount prior to submission of building permits by contacting Rich Eisenhauer at 503-823-7080.
- Curb cuts and driveway construction must meet the requirements in Title 17. The Title 17 driveway requirements will be enforced during the review of building permits.
- RECOMMENDATION - No objection subject to a condition that the maximum extension of the roof line over the sidewalk on NW 23rd be limited to 3-ft.

The Bureau of Environmental Services responded with the following comment (see Exhibit E-2 for additional details):

- BES Summary of Response - BES has no objections to the proposal. The addition of the proposed vegetated planters will provide a benefit to on-site stormwater management.
- There is a City-owned 27" CSP combined gravity main in NW 23rd Ave. (As-built id #3973) and there is a City-owned 12" VSP combined gravity main in NW Kearney St. (As-built id #2-0385).
- According to 1963 City plumbing records (2307 NW Kearney), the existing building is connected to a lateral 56 feet east of west property line. A wye at the curb combines the storm and sanitary 6" CSP to a lateral which connects to the combined line 47 feet west of the west property line on NW Kearney.
- The submitted site plan (Sheet 1) does not show sanitary service connections.
- The stormwater runoff generated from the proposed development must meet the requirements of the City of Portland's Stormwater Management Manual (SWMM) current at the time of building plan review. For all projects, the Stormwater Destination/Disposal Hierarchy must be addressed (pages 1-18 and 1-19 of the Stormwater Management Manual). Free CD-ROM discs of the 2004 Stormwater Management Manual are available at the City of Portland Development Services Center, 1900 SW 4th Avenue or on the internet at www.portlandonline.com/bes/. The applicant may contact BES with questions or for more information.
- There is no City-owned storm only line available to the property.
- The submitted site plan (Sheet 1) shows that several landscape planters will be added to the parking lot. Drainage from the proposed new roof will be directed into the planters.
- BDS Site Development does not recommend on-site infiltration of stormwater at this location. Please see BDS Site Development comments, dated 4/15/08, for details.
- The SWMM requires that stormwater be managed on-site through surface infiltration facilities to the maximum extent practicable. Where approved by BDS Site Development, roof runoff may be managed in drywells or soakage trenches, and surface (i.e. parking lot, driveway and other ground-level impervious area) runoff must be managed in surface infiltration facilities. Pollution reduction is required for all non-rooftop runoff, and all runoff that is not infiltrated on site. A disposal location for stormwater must be identified for any size development. PLEASE NOTE: Constraints based on small lot size is not considered a basis for waiving any requirements of the 2004 SWMM.
- Currently the street and surrounding area is served by a public combination sewer, which carries both stormwater and sanitary discharges. Combined sewers overflow frequently during rain events, discharging sewage and polluted stormwater directly to the Willamette River. The City is working to reduce the volume and velocity of stormwater in the combined system to help alleviate this problem and improve the health of the river. For this reason, stormwater shall be managed on-site to the maximum extent practicable according to the requirements of the SWMM. If on-site storm water disposal is not approved by BDS, new connections or additional stormwater disposal to the combination system will be restricted through the requirements of SWMM. Please be aware that disposal of storm water to the combination system may require additional detention.
- Pollution reduction is required for all non-rooftop runoff, and all runoff that is not infiltrated on-site. A variety of acceptable facilities are described in the SWMM. Flow control is also required in most areas if stormwater cannot be infiltrated on-site.
- Facilities that dispose of stormwater on-site have setback requirements from property lines and structures per BDS and should be situated topographically on the site in such a way as to not impact existing or proposed structures. BDS Site Development approves on-site disposal systems.
- The Oregon Department of Environmental Quality (DEQ) has regulations for underground

injection systems (UICs) (e.g. private drywells, soakage trenches, etc) to protect groundwater. For information regarding DEQ's regulations for UICs, please refer to DEQ's website at www.deq.state.or.us/wq/groundwa/uichome.htm or contact the DEQ UIC program at 503-229-5945. For copies of applications and forms, call 503-229-5189. The applicant may also review the SWMM for general information regarding UICs.

- **Conditions of Approval - BES has no conditions of approval.**
- BES sewage system connection fees are assessed at the time of building plans review and change every fiscal year beginning July 1st. For additional information on these fees, please call Development Assistance at 503-823-7761.
- Clean River Rewards, Portland's stormwater discount program, offers discounts up to 35% of the City's basic stormwater management charge to ratepayers who manage stormwater runoff on their property. The discount is calculated on a sliding scale for how much and how well properties manage stormwater on-site. To qualify, you will need to register your property and describe how you manage stormwater runoff. The Bureau of Environmental Services is offering workshops to ratepayers who want to learn more about stormwater management, and want to get the most out of the stormwater discount program. To learn more about the program and discounts, go to www.cleanriverrewards.com.
- When over 500 feet of impervious area is added or redeveloped, building plans must include a detailed site utility plan which shows proposed and existing sanitary connections, and existing and proposed stormwater management systems that meet the requirements of the SWMM in effect at the time of permit submittal.

The Site Development Section of BDS responded with the following comment (see Exhibit E-3 for additional details):

- Site Development does not recommend on-site infiltration of stormwater at this location. The Site Plan indicates that drainage from the new roof areas will be directed into planters. Site Development would not object to use of flow-through planters designed and sized in accordance with the Stormwater Management Manual with overflow to the public sewer system, with BES approval. Please refer to the response from BES for requirements pertaining to stormwater for this proposal.
- The applicant is advised that Section 1.8 of the Stormwater Management Manual requires that existing parking lots required to meet the non-conforming use landscaping requirements under Title 33.258.070 must use surface retention facilities where practicable in the newly landscaped areas to manage stormwater from the parking lot. Accordingly, stormwater management should be integrated into the design of the proposed landscaping and development.
- Please direct questions regarding these requirements to Mike Ebeling, (503) 823-7247.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 26, 2008. 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) Historic Reviews – Chapter 33.846

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 located within the Alphabet Historic District. Therefore the proposal requires Historic Design Review approval. The applicable design guidelines are the Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum [33.846.060 E.1.c]

Historic Alphabet District - Community Design Guidelines Addendum

These guidelines were adopted on September 5, 2000 and were developed to work with the Community Design Guidelines to provide a set of guidelines specific to the district.

Community Design Guidelines

These guidelines provide the constitutional framework for all design review areas outside the Central City that are not covered by their own specific area design guidelines. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other transportation systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

Staff has considered all guidelines and only has addressed those considered applicable to this proposal. Historic Alphabet District Guidelines and Community Design Guidelines are addressed concurrently.

Historic Alphabet District Approval Criteria

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

Findings: This contemporary building was constructed in 1964 and is considered a noncompatible, noncontributing structure in the Historic Alphabet District. Although not historically significant, the proposed building and site changes are compatible with the modern design of the building and better integrate the development into the historic district as discussed in detail below. *This guideline is therefore met.*

2. Differentiate New from Old. New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.

Findings: Although no historic materials exist on this contemporary building, the remodel will use materials that match the existing as well introduce new modern materials, which are distinct from the original. The windows and doors will be comprised of wood to match the existing storefront conditions. The design and wood materials of the roof overhang will carry over into the extension above the southwest bay and on NW 23rd. Metal will be introduced for the aluminum sign and letters, louvered roof screen and light bollards in the parking area landscape. *This guideline is therefore met.*

3. Hierarchy of Compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a historic or conservation district, with the rest of the District. Where practical, compatibility will be pursued on all three levels. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

Findings: The contemporary design of the building reflects the eclectic nature of the Historic Alphabet District. The storefront improvements such as the new wood doors and

windows and extension of the roof overhang allows the building to be more true to itself while the recessed door entries are more compatible with the adjacent buildings and throughout the district. *This guideline is therefore met.*

Community Design Guidelines

P1. Community Plan Area Character. Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's unique characteristics and neighborhood traditions;

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

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.

Findings: The proposed storefront remodel and site improvements better integrates the noncompatible development into the Historic Alphabet District. Relocating the southeast corner entry to NW 23rd and adding the roof awning above the sidewalk helps to reconnect this building to the Northwest Pedestrian District. The new recessed entries are compatible with those in the older historic buildings along NW 23rd. The small, non-illuminated tenant signage under the roof awning is consistent in terms of type, scale and placement with signs found in this historic district. The landscape planters soften the existing parking area and allows the site to better integrate with the established neighborhood landscape. *These guidelines are therefore met.*

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

D1. Outdoor Areas. When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

Findings: The addition of the landscape planters and new pedestrian connection in the parking area will provide a safe and attractive environment for pedestrians. The raised planters along the southern property line and the in-ground planters along the interior walkway provide a visual and physical buffer for pedestrians from the vehicles in the parking area. The raised planters prevent vehicles from parking parallel along the southern property line, which is not designated for parking, and reduces the potential conflicts with pedestrian on the sidewalk and vehicles maneuvering within the parking area. The new 5' wide walkway along the western landscape planter will provide a defined path for pedestrians accessing the site from NW Kearney. *These guidelines are therefore met.*

E3. The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building features, creating effective gathering places, and differentiating street level facades.

E4. Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas and entrances.

Findings: Both the new landscape planter and storefront improvements will provide visual interest and activity to the site and building. Adding the roof overhang and recessed entry on NW 23rd adds more detail to this street-facing façade and enhances the sense of enclosure on the sidewalk. Recessing the entries helps to articulate the flat façade of the contemporary design. The Earthrox stone panels proposed on the building's exterior adds visual interest and provides a defined base at the street level of the building.

The new raised landscape planter along the south property line will help to create a clear identity of the development at the street. The current parking lot condition at the corner of NW 23rd and NW Kearney is asphalt up to the concrete sidewalk. The new planter with stone tile will match those proposed on the building's exterior and will integrate this corner into the overall site. *These guidelines are therefore met.*

E5. Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

Findings: The existing 5' deep roof overhang along most of the southern façade will be extended to the southwestern bay and match the 5' depth of the existing cover. A new overhang that match the design and materials of the southern overhang will be added to the eastern elevation, although only 3' deep due to a limit of right-of-way projections. The extension and addition of the overhang will provide adequate cover for pedestrian from rain, sun and glare. *This guideline is therefore met.*

D3. Landscape Features. Enhance site and building design through appropriate placement, scale, and variety of landscape features.

D4. Parking Areas and Garages. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings: The bamboo in the western planter will screen and soften the CMU retaining wall that separates the site from the western property and help screen the parking area. The ornamental grasses in both the southern planter and the in-ground planters north of the parking spaces also provide screening and relieve from the harshness of the paved parking area as well as interest to the backdrop of the building. The natural stone tiles to be used on the building's exterior will be incorporated on the raised planters integrating the planter with the building. *These guidelines are therefore met.*

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

Findings: All four of the existing entries will be emphasized in a manner that creates a more prominent and interesting access to the building. Relocating the southeast corner to NW 23rd façade provides direct pedestrian access from the more active and transit street fronting the site. Enlarging two of the entries on the southern elevation from single, flush doors, to double door recessed entries emphasizes the individual tenant spaces along this façade. The use of materials, wood doors with glass panels, wood windows and stone tile panels at each of the entries helps to further define them as access points and creates an interesting and coherent façade. *This guideline is therefore met.*

D5. Crime Prevention. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings: Relocation of the southeast corner entry onto the NW 23rd façade increases the glazing and pedestrian activity on this elevation. The new bollards in the southern landscape planter will help illuminate the parking area and pedestrian walkways, which are currently dark due to the mature street trees that block the single street lamp across the street. Both of these measures will increase visibility on the site, within the building and onto the street thus reducing the opportunities for crime. *This guideline is therefore met.*

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details,

material proportion, and character with the existing building.

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings: The proposed site and buildings alterations are consistent design and character of the existing building and results in coherent composition. The entry relocations and new windows use the same wood material of the existing storefront system and help to regularize the vertical divisions of the storefront. The roof overhang extension on the southwest bay helps to better integrate this distinct addition into the southern façade. The recessed entries and exterior stone tile along the base of the building add articulation and interest to both street elevations. The use of the stone tiles on the raised planters also connects this site feature to the building resulting in a cohesive development. The 3'-0" tall mechanical roof screen is setback 10'-0" from the east building edge and 17'-0" from the south building edge reducing its visibility and impact on this flat roofed contemporary structure.

The metal and aluminum materials proposed for the signage, roof screen and light pole fixtures are high quality materials with and long lasting finish. The landscape planters will be constructed of stone panel tile affixed to 4"x8 CMU block to withstand the potential bumps and dings from the reverse maneuvering of vehicles. *These guidelines are therefore met.*

2) Modification through Historic Design Review – Section 33.846.070

33.846.070 Modifications Considered During Design Review

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

- A. Better meets design review approval criteria. The resulting development will better meet the approval criteria for design review than would a design that meets the standard being modified; and
- B. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Modifications Requested through Design Review:

1. 33.266.130.G.2.d Perimeter Landscaping – requires a minimum 5' wide landscape planter to the L2 landscape standard for surface vehicle areas abutting a street and C zone property lot lines. The standard has not been met for the landscape planters along NW 23rd, NW Kearney and the adjacent property to the immediate west.

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

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

Findings: The reduced width of the new landscape planters is a result of the existing drive aisle width. In order to meet the zoning code and provide adequate reverse maneuvering for vehicles existing the site, at least 16' clearance must be maintained for

the one-way drive aisle with 60 degree stalls. The modification is consistent with the intent of the standard in that the landscape planters would help to screen the parking area from both streets help to soften its appearance with the use of ornamental grasses and bamboo. The modification allows the proposal to better meet Community Design Guideline D4 (Parking Areas and Garages) in that the landscape planter assists in minimizing the visual impacts on the surrounding properties and pedestrians as well as better integrate the asphalt parking area into the established neighborhood landscape. *This modification therefore merits approval.*

2. 33.266.220.A Short-Term Bike Parking – requires 2 short-term bike parking spaces for the 5,535 SF of retail floor area to be within 50’ of a main entrances on each façade. The 2 spaces are proposed at the southwestern portion of the parking lot in excess of 50’ from the entry on NW 23rd and the southeast entry.

Purpose: Short-term bicycle parking encourages shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Short-term bicycle parking should serve the main entrance of a building and should be visible to pedestrians and bicyclists.

Findings: The existing bike rack along the western property line will be relocated in front of the new landscape planter. This location still does not the distance requirements, however it remains the only location due to existing site conditions. The rack would remain visible and accessible to pedestrians and bicyclists as it would be only 22’ from the sidewalk on NW Kearney and within 50’ of two of the four main entrances on the building. The modification allows the project to better meet Community Design Guidelines E1 (Pedestrian Network) by allowing the 5’ wide pedestrian path to be maintained on the site and not having the walkway blocked with bicycles attached to the rack. *This modification therefore merits approval.*

3. 33.130.240 Pedestrian Standards – requires a 6’ wide pedestrian walkway that connects each entrance with the adjacent two streets. The existing walkway along the southern entrances and the new path to SW Kearney are only 5’ wide.

Purpose: The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

Findings: Although the two walkways are less than 6’ in width they will remain usable and safe for pedestrian accessing the site and building from both NW Kearney and NW 23rd. By not expanding the width an extra foot to meet the standard the site is able to accommodate a 2’ wide landscape planter along the west and south property lines. Both planters would enhance the overall site and help to screen the vehicle area from adjacent streets and properties thereby meeting the Community Design Guideline D3 (Landscape Features). *This modification 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 purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The storefront remodel and site improvements better integrate the site as a whole and into the historic pedestrian district. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the following:

1. Building and site improvements including:
 - Reorienting corner entry to NW 23rd;
 - Extension of roof overhang to the rear portion of the south façade (5' deep) and on the 23rd façade (3' deep);
 - Relocate 2 southern entries;
 - New exterior building material and windows and doors on both street-facing facades;
 - 3 new rooftop mechanical units and screen;
 - Addition of landscape planters in parking area and 28-1/8" tall light bollards;
 - 4 new tenant signs; and
 - Reconstruction of ADA ramp at entry.
2. Modification to perimeter landscaping for vehicles area along 23rd, Kearney and the adjacent property to the immediate west.
3. Modification to short-term bike parking for the location to exceed the 50' distance to the main entrances on each street-facing façade.
4. Modification to pedestrian standards to reduce the walkway to 5' wide for connections to NW 23rd and NW Kearney.

Per the approved site plans, Exhibits C-1 through C-12, signed and dated 5/20/08, subject to the following conditions:

- 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-C.12. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-108225 HDZM. No field changes allowed."

Decision rendered by:  on May 20, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed: May 23, 2008

Staff Planner: Staci Monroe

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 February 11, 2008, and was determined to be complete on **March 24, 2008**.

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 February 11, 2008.

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 waived the 120-day review period, as stated with Exhibit (Exhibit E-3)

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 June 6, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **June 9, 2008 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

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

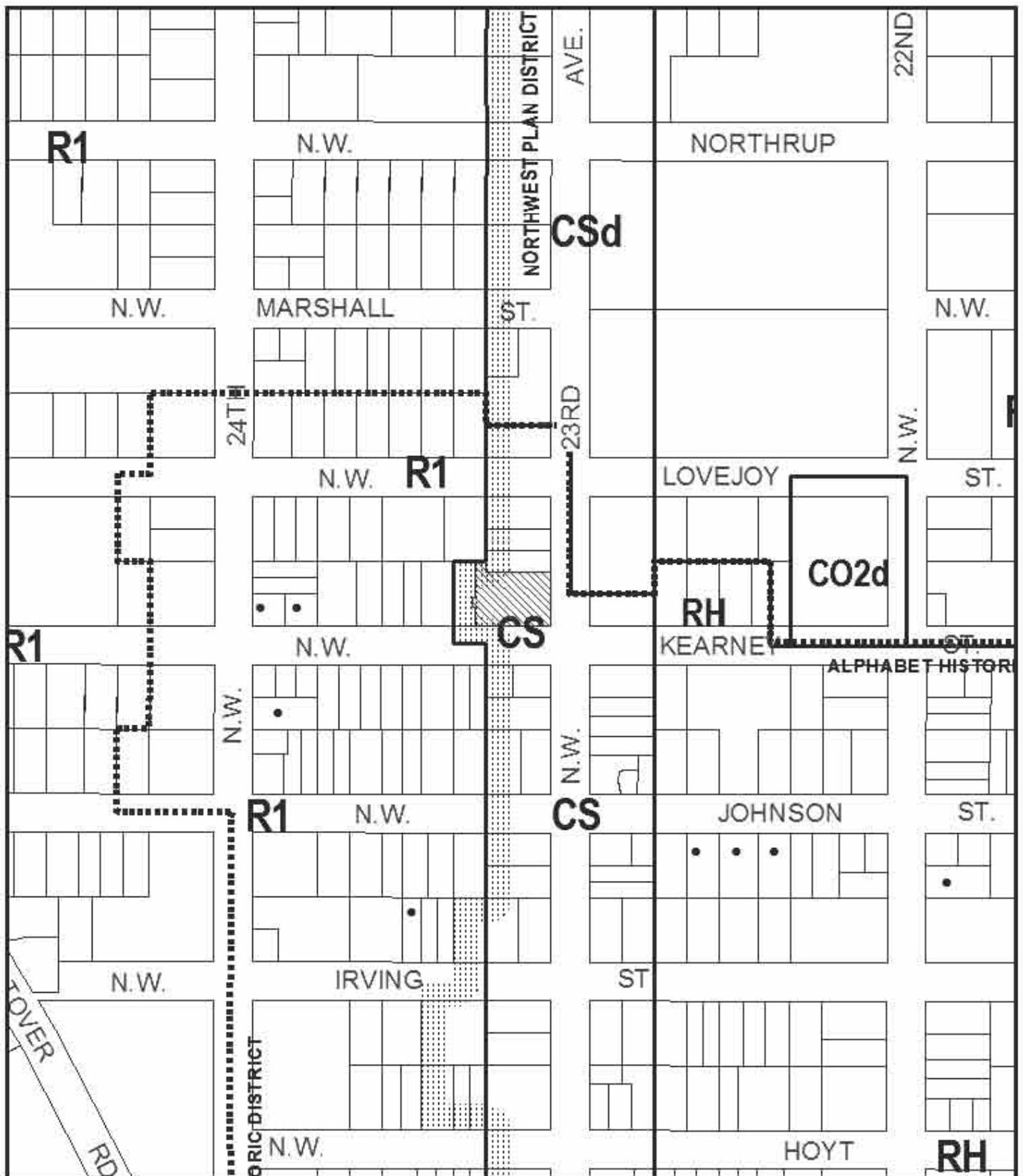
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. South Building Elevations (attached)
 - 3. East Building Elevations (attached)

4. Roof Plan (attached)
 5. Light Fixture Detail
 6. Sign Plan & Details
 7. Roof Screen & Mechanical Unit Details
 8. Stone Tile (Earthrox) Details
 9. Demolition Plan
 10. Landscape Plan, Planter and Overhang Details
 11. Planter and Bollard Elevations
 12. Storefront Detail
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Transportation Engineering and Development Review
 2. Bureau of Environmental Services
 3. Site Development Review Section of BDS
- F. Correspondence: none
- G. Other:
1. Original LU Application
 2. Site History Research
 3. 120-Day Waiver

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

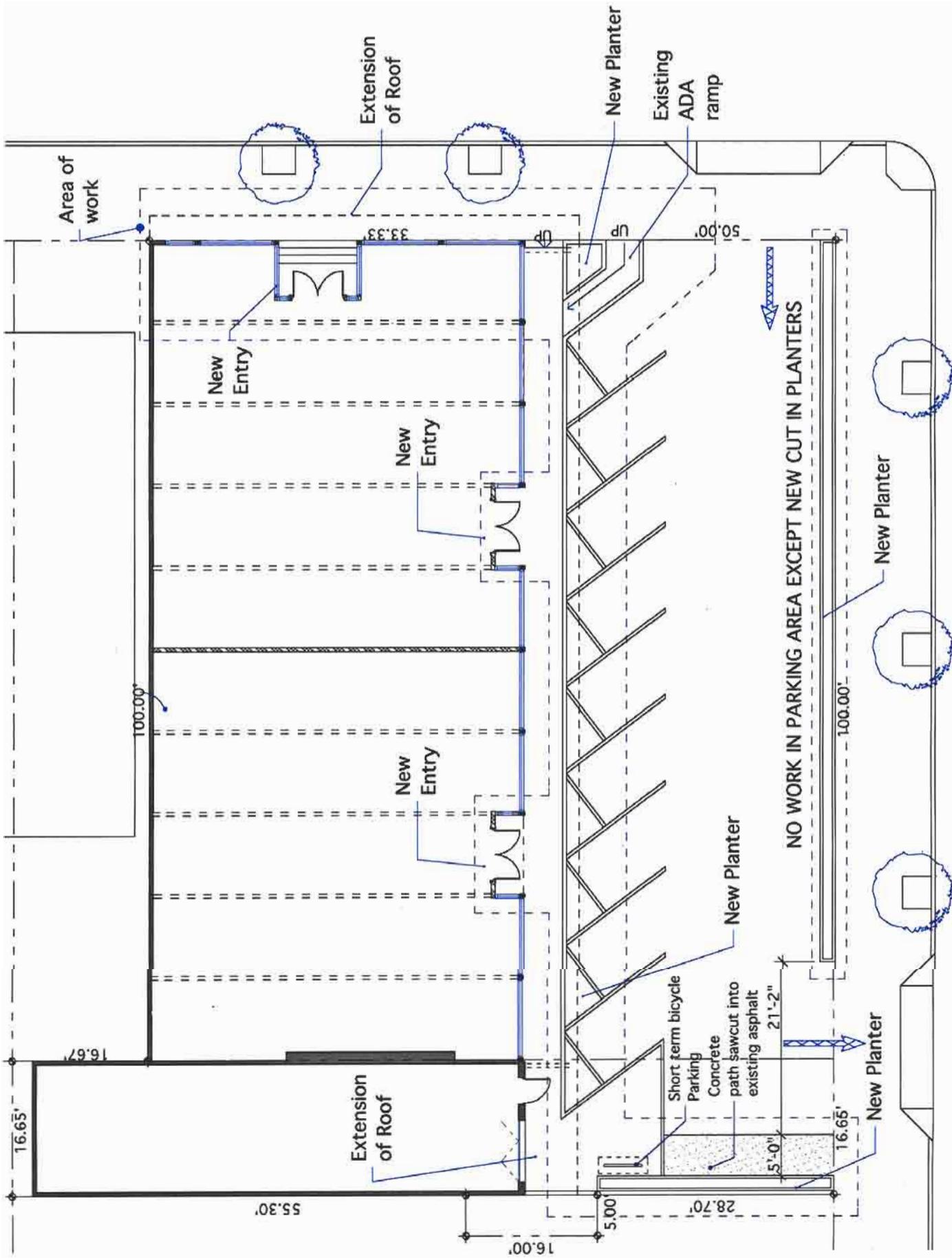
 Site

 Historic Landmark

This site lies within the:
 ALPHET HISTORIC DISTRICT
 NORTHWEST PLAN DISTRICT



File No. LU 08-108225 HDZM
 1/4 Section 2927
 Scale 1 inch = 200 feet
 State_Id 1N1E33BC 11800
 Exhibit B (Mar 24, 2008)

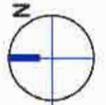


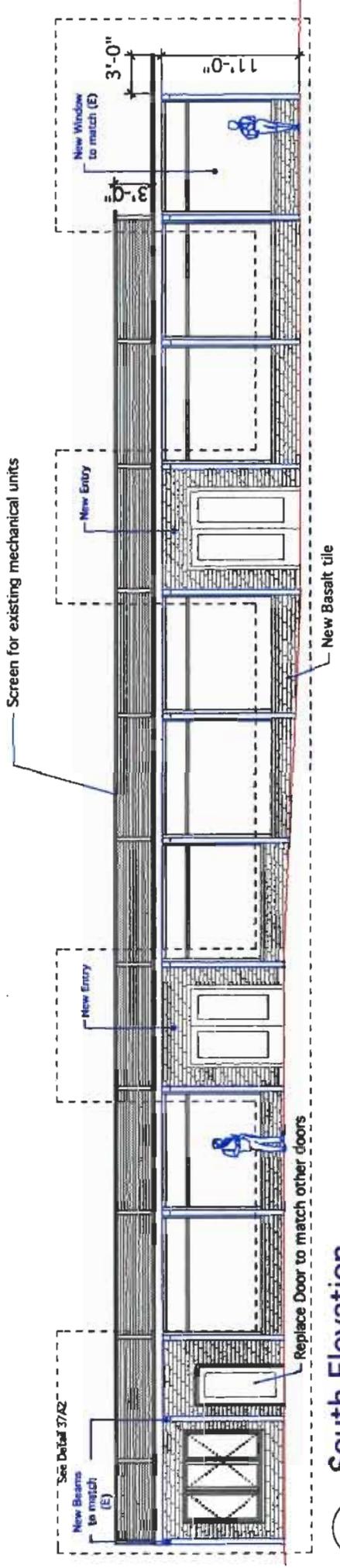
08-108225 HO2M
 EX. C-1

Site Plan

SCALE: 1/16" = 1' - 0"

1



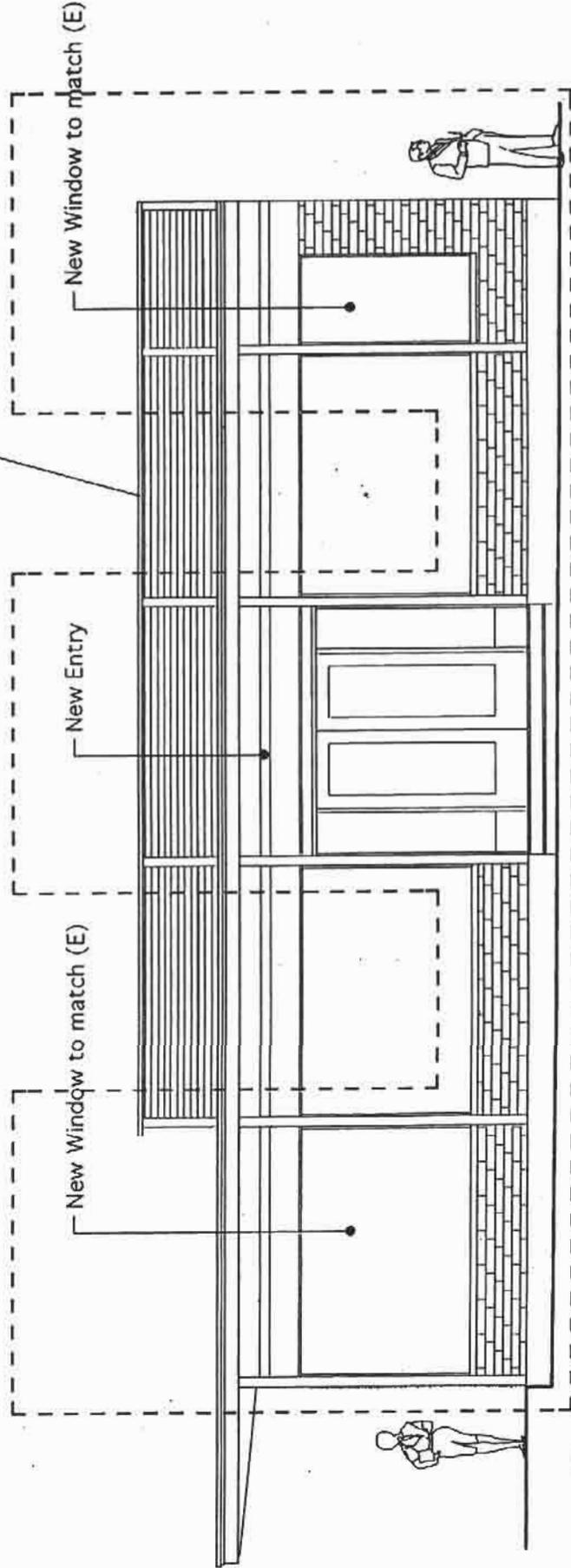


1 South Elevation

SCALE: 1/8" = 1' - 0"

08-108225 HOZN
EX. C-2

Screen for existing mechanical units



East Elevation

SCALE: 1/8" = 1' - 0"

2

08-108225 HDEM
EX C-3

