

City of Portland

Bureau of Development Services

Land Use Services Division

1900 SW Fourth Ave. Suite 5000 Portland, Oregon 97201

Telephone: 503-823-7300 TDD: 503-823-6868 FAX: 503-823-5630 www.portlandonline.com/bds

Date: July 17, 2008

To: Interested Person

From: Mark Walhood, Land Use Services

503-823-7806 / mwalhood@ci.portland.or.us

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 this notice. 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 08-129158 HDZ (412 NW 5TH AVE. ALTERATIONS)

GENERAL INFORMATION

Planner/Contact: Jerry Offer (503) 699-2417

Otak, Incorporated

17355 SW Boones Ferry Road Lake Oswego, Oregon 97035

Applicant: Chad Rennaker - Pacificap

412 NW 5th Ave

Portland, Oregon 97209

Property Owner: Generation Partners LLC

Attn.: Jason Rennaker 3032 NE Hancock Street Portland, Oregon 97212

Site Address: 412 NW 5th Avenue

Legal Description: S 1/2 OF LOT 3 BLOCK 36, COUCHS ADD

Tax Account No.: R180202900 **State ID No.:** 1N1E34CA 01300

Quarter Section: 3029

Neighborhood: Old Town-China Town, contact Carol McCreary at 503-984-4081.

Business District: Old Town Chinatown Business Association, contact Dorian Yee at

503-224-7066.

District Coalition:

Zoning:

Neighbors West/Northwest, contact Mark Sieber at 503-823-4212. **CXd** (Central Commercial base zone with the "d" or Design overlay

zone), Central City Plan District, New Chinatown/Japantown

Historic District

Case Type: HDZ (Historic Design Review)

Procedure: Type I, an administrative decision with appeal to the Oregon Land

Use Board of Appeals (LUBA).

Proposal: The applicant has proposed exterior alterations to a narrow, 25'-0"-wide structure at 412 NW 5th Avenue, within the New Chinatown/Japantown Historic District. The proposal includes removal and installation of new aluminum-clad wood transom windows at all openings, new double-hung windows of the same material on the upper floor,

and two new wood and clear glass sets of double doors. In addition, two wall-mounted exterior light fixtures would be added to the street-facing façade at the first floor transom level. The existing brick exterior will be cleaned but otherwise remain as is.

NOTE: In response to staff concerns, and to clarify the project scope, a few minor changes have been made to the street-facing elevation since the version shown on the mailed notice. The two new street-level fixtures have been lowered slightly, and the replacement transom windows at the first floor have lost the horizontal mullion in each window, resulting in vertical individual panes. Finally, the plans have been clarified to show that a new storefront window and base will be provided at the southernmost ground floor bay, beneath the replacement transom window.

Exterior alterations to a structure in an Historic District require prior approval through the Historic Design Review process. Since less than 500 square feet of the façade is being altered, the request is processed as a Type I review.

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

- The Central City Fundamental Design Guidelines; and
- The River District Design Guidelines.

ANALYSIS

Site and Vicinity: The site is a rectangular, 2,500 square-foot parcel, located mid-block on the east frontage of NW 5th Avenue between NW Flanders and Glisan Streets. The existing structure, originally constructed in 1906, completely occupies the 25-foot width of the property, and includes two floors and a full basement. The building is currently undergoing interior work including a full seismic upgrade, with office space on the upper floor and at the rear of the first floor, and a separate retail space of 573 square feet at street level.

The structure is one of 14 primary contributing structures in the Old Town/Chinatown Historic District. The flat-roofed building has a brick street façade laid in a common bond, a flat roof, and a projecting metal cornice with dentils. Decorative arched corbeling capped with a saw-toothed row of bricks articulates the frieze below the cornice. The first and second stories are also separated by a corbelled brick beltcourse. Windows on the upper story include one over one double hung wood windows with a three light transom above. The center street-level bay includes a set of double doors with central glass panels, and two two-light transom windows above. The south bay includes an original three light transom window over non-original storefront window with wood panels above and below. The north bay has previously been altered with a recessed doorway, multi-paned window, and wood bulkhead. The building was designed by architect Emil Schacht in 1903. Mr. Schacht was born in Denmark, immigrated to New York City in 1874, and began a prolific architectural career in Portland beginning in 1884. Three of his buildings are listed on the National Register of Historic Places, and nineteen are listed in Portland's Historic Resources Inventory.

The surrounding area includes a diverse mix of structures and uses. A single-story building constructed in 1941 is located directly north of the site, and a three-story brick building, constructed by Mr. Schacht in 1905, is located directly south of the site. Within two blocks of the site are located several surface parking lots, multiple historic brick and terra cotta structures, both a mid- and high-rise residential tower, and the greyhouse bus terminal. The abutting section of NW 5th Avenue is improved with wide brick sidewalks, curbing, and a two-lane south-bound roadway which includes light rail tracks.

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, and development is intended to be very intense with large, tall buildings placed close together. Development in the CX zone is also intended to be pedestrian-oriented, with

a strong emphasis on a safe and attractive streetscape. The "d" or Design overlay zone is applied in areas with significant architectural, cultural, or design character.

The Central City Plan District includes an additional set of regulations addressing issues specific to the downtown area, including mapped height and floor area limits, parking regulations, and other standards. The site is also located in the Old Town/Chinatown Historic District, which results in a requirement that the proposed exterior building alterations must receive prior approval through the Historic Design Review process.

Land Use History: City records indicate no prior land use reviews at this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **May 27, 2008**. The following Bureaus have responded with no issues or concerns about the proposal:

- The Site Development Section of the Bureau of Development Services (Exhibit E.1);
- The *Fire Bureau* (Exhibit E.2);
- The Development Review Division of Portland Transportation (Exhibit E.3);
- The *Water Bureau* (Exhibit E.4); and
- The *Urban Forestry Division of Portland Parks and Recreation* (Exhibit E.5).
- The *Bureau of Environmental Services* (BES) has responded without objection to the project, but notes that further development of the property will be subject to BES standards and requirements during the building permit review process. Exhibit E.6 contains staff contact information.
- The Life Safety (Building Code) Section of the Bureau of Development Services has responded with preliminary Building Codes information. A complete Life Safety plan review will be provided during the building permit review process. A separate building permit is required for the project, and alterations to the exterior envelope must meet the prescriptive requirements of the Energy Code. Exhibit E.7 contains staff contact and additional information.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 27, 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

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 located within the New Chinatown/Japantown Historic District. Therefore the proposal requires historic design review approval. The relevant approval criteria are the *Central City Fundamental Design Guidelines* and the *River District Design Guidelines*.

River District Design Guidelines and Central City Fundamental Design Guidelines

The River District is planned to become a place that is remarkable within the region. The area is intended to grow rich with special and diverse qualities that are, or will become characteristic of Portland. Further, the River District will accommodate a significant portion of the region's population growth. The plan calls for the creation of a new community of dense neighborhoods, housing a resident population of over 15,000 people, and providing jobs, services, and recreation to this population and others. This area is

intended to emphasize the joy of the river, connections to it, and create a sense of community. The goals frame the urban design direction for Central City and River District development.

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.

River District Design Goals

- 1. Extend the river into the community to develop a functional and symbolic relationship with the Willamette River.
- **2.** Create a community of distinct neighborhoods that accommodates a significant part of the region's residential growth.
- **3.** Enhance the District's character and livability by fostering attractive design and activities that give comfort, convenience, safety and pleasure to all its residents and visitors.
- **4.** Strengthen connections within River District, and to adjacent areas.

Central City Plan Design Goals

- 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.

- **A4. Use Unifying Elements.** Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.
- **A5-1. Reinforce Distinct Areas.** Enhance the qualities that make each area distinctive within the River District, using the following "Area Design Guidelines" (A5-1-1 A5-1-8).
- **A5-1-6. Reinforce the Identity of Chinatown.** This guideline may be accomplished by:
- **a.** Emphasizing the Asian ambiance of Chinatown with visual and cultural design features that relate to, and are appropriate to, the District's ethnic history and character; or
- **b.** Using ornate signs that enhance the ethnic character of the District. Lighted signs may be approved which exceed maximum area, number, projection, height and lighting regulations, or which flash or include exposed incandescent lamps, provided they constructively add to festive atmosphere of the District. Traditional sign lighting methods, such as incandescent lamps and neon tubing are preferred. If internal lighting is used, letter forms should be illuminated

brighter than the sign background. The background should use a predominance of deep-toned color;

Signs that are not lighted, and which conform with regulations governing projection but exceed maximum number, area, and height regulations, may be approved. Signs made of impermanent materials which can be moved by the wind, such as banners, flags, and ornaments, may be permitted if found to be consistent with Chinatown's character.

Findings for A4, A5 and A5-1-6: The replacement glazed doors, double-hung windows, transom windows, and wall-mounted lights and reflective of original architectural patterns on the existing building, as well as other similar buildings in Chinatown/Japantown. No signs or banners are proposed at this time. The two new exterior light fixtures have a straightforward, geometric appearance, with translucent white glass framed by horizontal and vertical black metal elements, reminiscent of a Japanese wood and paper lantern. *Therefore, these guidelines are met.*

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

Findings for A6 through A8: The project involves the renovation and replacement of all window and door systems in the buildings street-facing façade, while retaining the original unpainted exterior brick façade. The upper-story transom and double-hung windows are nearly identical to those being replaced, with matching trim and sill profiles, placement within the brick window openings, but metal clad exteriors in place of the original wood. The existing enclosure the building creates along NW 5th Avenue will be maintained, and enhanced by greater visual connections into the interior via the enlarged storefront window on the south bay, and new double door with clear glass inserts at the north bay. Interior renovations for the building include reactivating the previously vacant upper floor for office uses, and a renovated retail space facing the street, further linking activity inside the building to the streetscape. *Therefore, these guidelines are met.*

- **B1-1. Provide Human Scale to Buildings along Walkways.** Provide human scale and interest to buildings along sidewalks and walkways.
- **B2. Protect the Pedestrian.** Protect the pedestrian environment from vehicular movement. Develop integrated identification, sign, and sidewalk-oriented night-lighting systems that offer safety, interest, and diversity to the pedestrian. Incorporate building equipment, mechanical exhaust routing systems, and/or service areas in a manner that does not detract from the pedestrian environment.
- **B6-1. Provide Outdoor Lighting at a Human Scale.** Provide outdoor lighting at a human scale to encourage evening pedestrian activity.

Findings for B1-1, B2 and B6-1: The existing pedestrian-scale elements of the building will be strengthened through enlarging the single storefront window and transom light dimensions, and by replicating the pattern of double wood and glass entry doors from the central bay to the north bay. The new street-level

sconce lights are horizontally aligned and centered with the sill between the transom windows and window or doors below, increasing safety and interest for pedestrian passersby in the evening, while also relating to window patterns on the building. No new louvers or mechanical equipment at sidewalk level are proposed. *Therefore, these guidelines are met.*

- **C1. Enhance View Opportunities.** Orient windows, entrances, balconies and other building elements to surrounding points of interest and activity. Size and place new buildings to protect existing views and view corridors. Develop building façades that create visual connections to adjacent public spaces.
- **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.

Findings for C1, C2 and C3: The replacement doors and enlarged storefront window will increase viewing opportunities and visual connections between the building interior and the adjacent street. The proposed windows and doors create the greatest possible amount of clear glazing within the existing building openings, while also respecting the materials and pattern of glass and wood entry doors original to the building. The metal clad window systems, wood and glass entry doors, and painted smooth hardi-panel infill at the storefront base and inset entry walls are quality materials that should stand up well over time.

Upper-story window systems are virtually identical in appearance and details to the original window systems on the building. The street-level changes create a consistent new transom window pattern that respects the vertical proportions of the building, while also unifying the different entry door and storefront window conditions. New exterior lights are vertically centered within the two interior brick columns, and horizontally placed in related to the first floor transom window base near the pedestrian level. Overall, the changes to the façade are relatively minor in character, and consistent with the original architectural character of the building. *Therefore, these guidelines are met.*

- **C8. Differentiate the Sidewalk-Level of Buildings.** Differentiate the sidewalk-level of the building from the middle and top by using elements including, but not limited to, different exterior materials, awnings, signs, and large windows.
- **C9. Develop Flexible Sidewalk-Level Spaces.** Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.
- **C12. Integrate Exterior Lighting.** Integrate exterior lighting and its staging or structural components with the building's overall design concept. Use exterior lighting to highlight the building's architecture, being sensitive to its impacts on the skyline at night.

Findings for C8, C9 and C12: The wood and clear glass double doors, as well as the enlarged storefront window, will distinguish the renovated ground floor from the upper floors, and create greater visual and physical connections to the adjacent street. The vertical divided light transom windows will also create a consistent pattern on the ground floor distinct from the upper stories, and consistent with the vertical proportions of the façade. The new sconce-type wall light fixtures are located near street level, with most light directed up or down onto the central brick columns, while also providing night-time illumination on the sidewalk near the pedestrian entries, as well as for the brick beltcourse

between the first and second floors. Therefore, these guidelines are met.

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 applicant is in the process of interior and exterior renovations of a 1906 Emil Schacht-designed building in the Chinatown/Japantown Historic District, including re-claiming the long-abandoned upper floor. The classic brick details of the façade will remain in place, but all street-facing windows and doors will be replaced with sturdy wood or metal-clad wood materials, with proportions and details in keeping with the original design. Increased activity within the building and visual connections to the adjacent streetscape will help reconnect this previously under-utilized building to the surrounding neighborhood. The project provides new life to this unique 25-foot-wide building in Chinatown/Japantown, is able to meet the applicable guidelines, and should be approved.

ADMINISTRATIVE DECISION

Approval of **Historic Design Review** (33.445.320.A.1) for the exterior renovation of the 25-foot wide brick structure at 412 NW 5th Avenue, in the New Chinatown/Japantown Historic District, including the following elements:

- New metal-clad wood multi-light transom windows and one-over-one double hung windows at all three upper-floor windows openings;
- New metal-clad wood multi-light transom windows at all three street-level bays;
- A new metal-clad storefront window on the south street-facing bay, with an enframed smooth painted hardi-panel base;
- Two new wood double doors with clear glass inserts, and smooth painted hardi-panel interior walls and soffit surfacing at the recessed office lobby entry; and
- Two new sconce type exterior light fixtures of glass and metal.

This approval is granted based on the approved plans, elevations and details, Exhibits C.1 through C.5, each exhibit being signed and dated July 14, 2008, and 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-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-129158 HDZ."

Decision rendered by:

on July 14, 2008.

By authority of

Bureau of Development Services

Decision mailed July 17, 2008.

Staff Planner: Mark Walhood

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Director of the

Procedural Information. The application for this land use review was submitted on May 14, 2008, and was determined to be complete on **May 21, 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 May 14, 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 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 is available for your review by appointment. Please contact the receptionist at 503-823-7967 to schedule an appointment. Copies of all information in the file can be obtained for a fee equal to the cost for such services. You may also find additional information about the City of Portland and City Bureaus, as well as a digital copy of the Portland Zoning Code, by visiting the City's homepage 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 **July 18, 2008**. 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; OR

• 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 503-823-7967.

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, permitees must demonstrate compliance with:

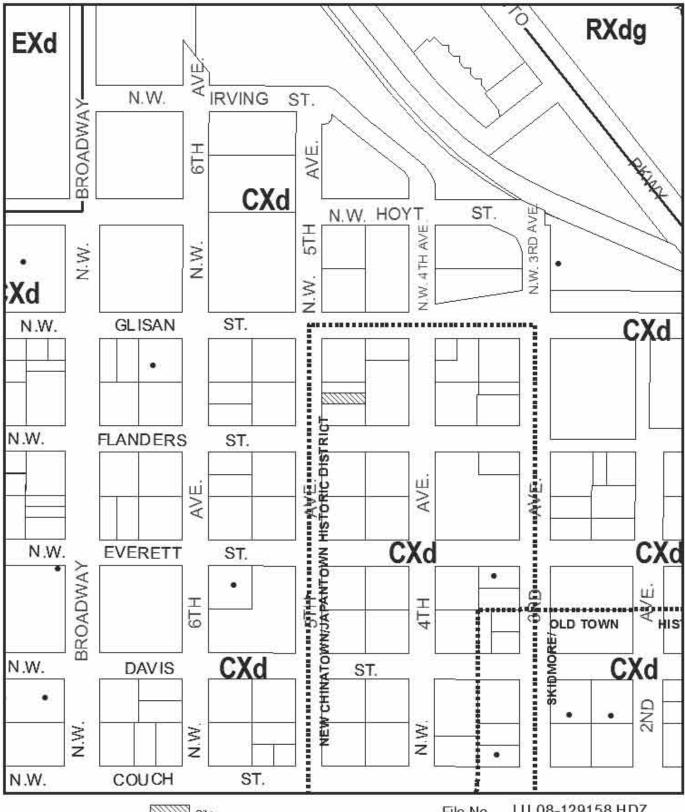
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site and Floor Plans (attached)
 - 2. Elevation (attached)
 - 3. Sections (attached)
 - 4. Light Fixture Detail (attached)
 - 5. Large/Scalable Plan Set
 - 6. Original Elevation NOT APPROVED
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Section of the Bureau of Development Services
 - Fire Bureau
 - 3. Development Review Division of Portland Transportation
 - 4. Water Bureau
 - 5. Urban Forestry Division of Portland Parks and Recreation
 - 6. Bureau of Environmental Services
 - 7. Life Safety (Building Code) Section of the Bureau of Development Services
- F. Correspondence (none received at time of decision mailing)
- G. Other:
 - 1. Original LU Application Form, Tax Account Information and Receipts

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).



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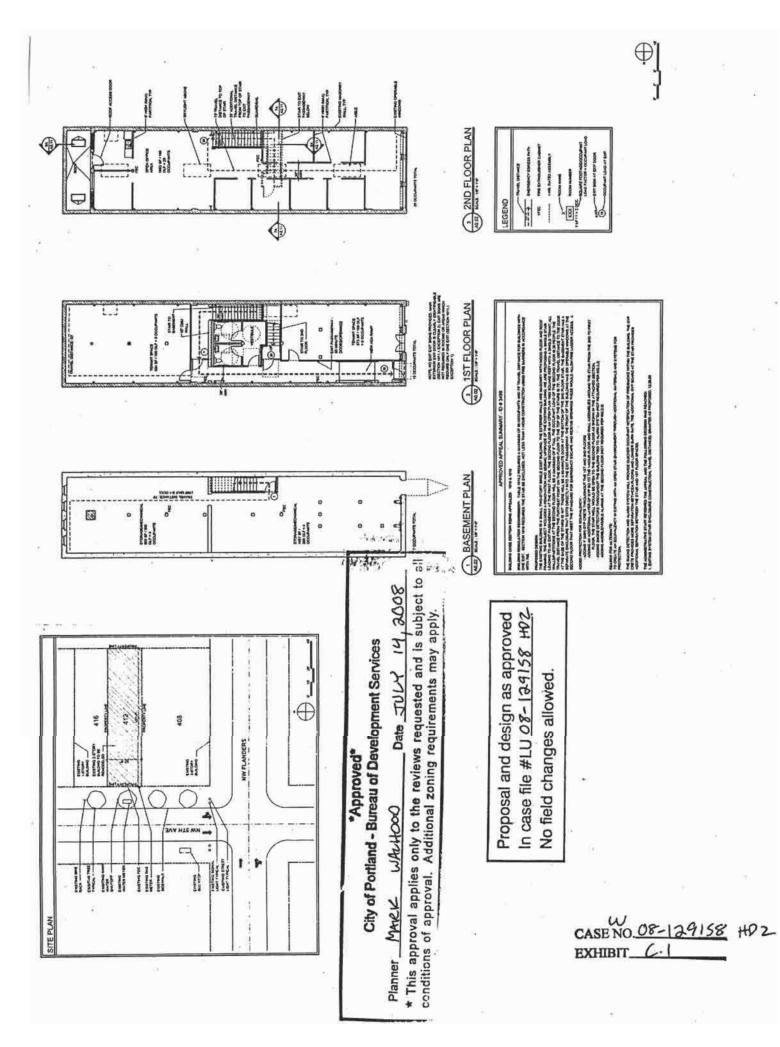


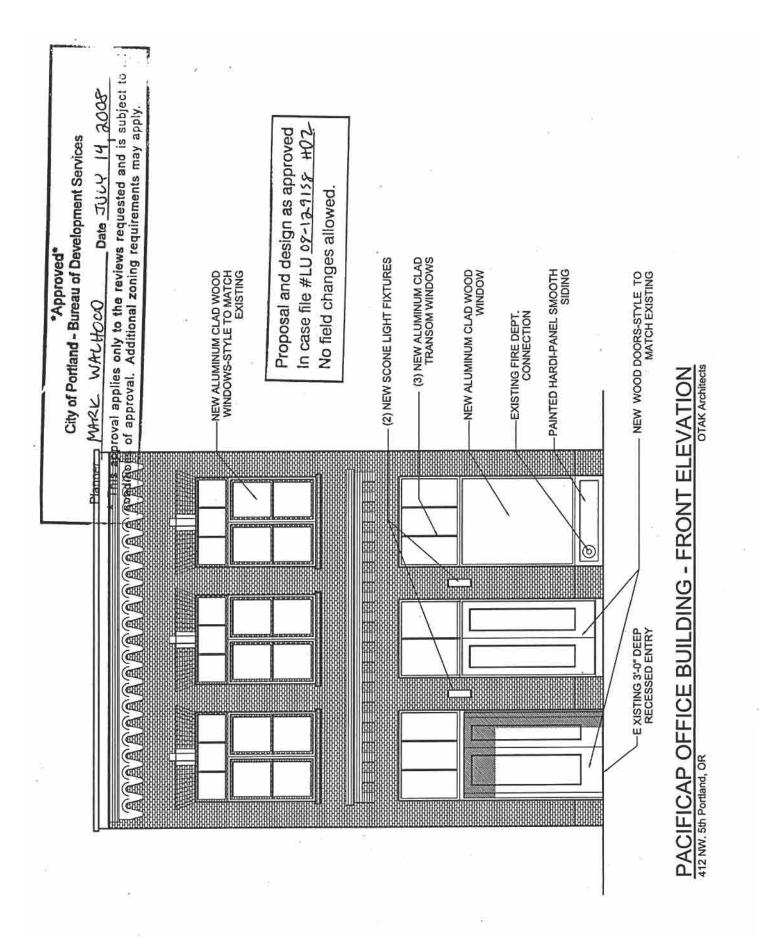
Historic Landmark

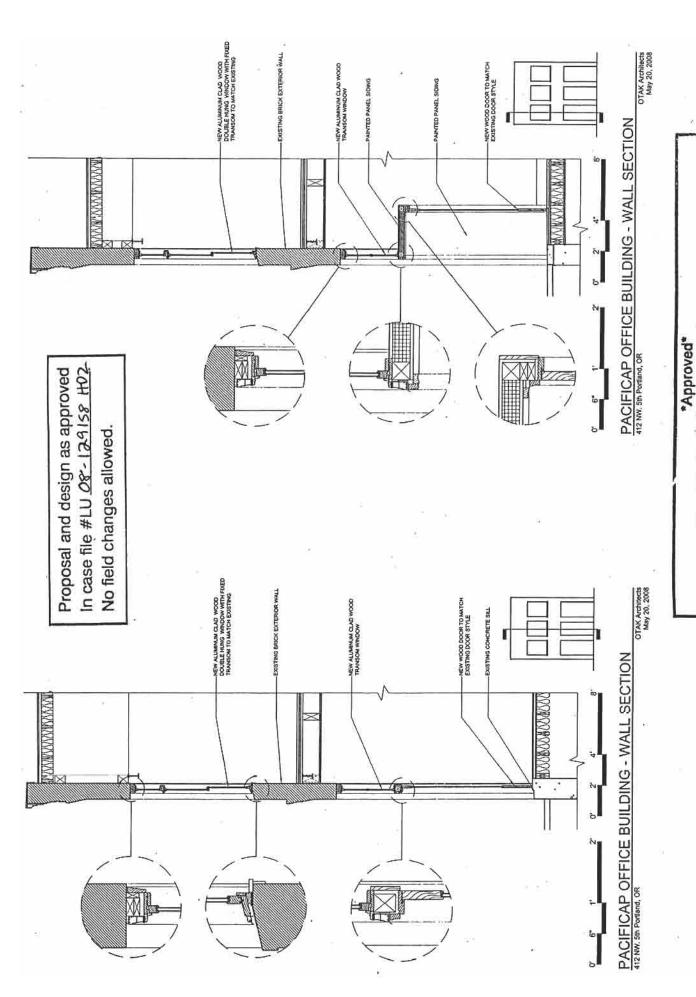


This site lies within the: NEW CHINATOWN/JAPANTOWN HISTORIC DISTRICT CENTRAL CITY PLAN DISTRICT

File No.	LU 08-129158 HDZ
1/4 Section	3029
Scale_	1 inch = 200 feet
State Id _	1N1E34CA 1300
Exhibit _	B (May 19,2008)







City of Portland - Bureau of Development Services

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply. 2008 Date JULY WALTED MARKI Planner

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JULY 14, 2008

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Proposal and design as and over in case file #LU Control # 1/2 No field change who was a second change.

CASE NO LU 08-129158 EXHIBIT C4