



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**

1900 SW 4th Avenue, Suite 5000  
Portland, Oregon 97201  
503-823-7300  
Fax 503-823-5630  
TTY 503-823-6868  
[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** September 16, 2009  
**To:** Interested Person  
**From:** Abigail Fowle, Land Use Services  
503-823-0624 / [FowleA@ci.portland.or.us](mailto:FowleA@ci.portland.or.us)

## **NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has 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 09-147933 HDZ EXTERIOR ALTERATIONS TO O'BRIEN'S PUB**

#### **GENERAL INFORMATION**

**Applicant:** Peter B. Goforth, Contact 503-348-1522  
173 NE Bridgeton  
Portland, OR 97211  
  
Csp-O'Brien Inc  
6125 SW Boundary St  
Portland, OR 97221-1019

**Site Address:** 519-527 NW 21ST AVE

**Legal Description:** TL 6600 LOT 2 BLOCK 18, KINGS 2ND ADD  
**Tax Account No.:** R452302980  
**State ID No.:** 1N1E33BD 06600  
**Quarter Section:** 2927  
**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.  
**Business District:** Nob Hill, contact Kay Wolfe at 503-227-0898.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Northwest  
**Zoning:** CS, Storefront Commercial  
**Case Type:** HDZ, Historic Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Design Commission

#### **Proposal:**

The applicant seeks Historic Design Review approval for exterior alterations to an existing storefront on NW 21<sup>st</sup> Avenue in the Alphabet Historic District. The alterations include a new wood storefront window, new wall mounted wood or metal signage lettering and new gooseneck lamps for the signage. The applicant plans to remove or stucco over the wall tile and remove the metal blade sign, both previously installed without a required land use review.

Exterior alterations to a property within a 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. The relevant criteria are:

- 33.845 Historic Design Review
- Community Design Guidelines
- Historic Alphabet District: Community Design Guidelines Addendum

## ANALYSIS

**Site and Vicinity:** The site is located along NW 21<sup>st</sup> Avenue between NW Glisan Street and NW Hoyt Street within the Alphabet Historic District. The existing building is a one story commercial structure that is considered to be contributing in the District as a good example of a Neo-Tudor style commercial building and part of a larger grouping of commercial development that occurred in the Northwest neighborhood. The street facing façade is consists of stucco at the southern two thirds and brick on the northern third. The northern entrance is framed by a shallow, gabled portico with false half-timbering at the gable end. Two windows occur on the primary façade, one with a transom and one without. Alterations include the addition of a 10' x 3' aluminum front window in 1965 and new doors in 1977. The building was converted from office use to restaurant in 1993.

The site is within the Northwest Pedestrian District and NW 21<sup>st</sup> Street is designated a Neighborhood Collector Street and a Transit Access Street.

**Zoning:** The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The design (d) overlay zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

**Land Use History:** City records indicate no prior land use reviews.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **August 19, 2009**.

The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering and Development Review
- Water Bureau
- Fire Bureau
- Site Development Review Section of BDS; and
- Bureau of Parks, Forestry Division.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on August 19, 2009. No responses were received from notified property owners or neighborhood associations.

## 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 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.*

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

**Findings:** No recorded changes have acquired historical significance, therefore, this guideline does not apply.

**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.

**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.

**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.

**Findings:**

- The new wood window relates to the existing wood window on the northern portion of the street facing façade and thus retains historic materials that characterize the property.
- The new wood window and signage lettering improve and create a more traditional storefront than the building's previous condition and thus reinforces and complements the historic district.
- The removal of the wall tile and restoration of the stucco material is in keeping with the building's Neo-Tudor style and thus is compatible with the building, other surrounding masonry commercial buildings and historic quality of the district.

*These guidelines are therefore met.*

**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.

**Findings:**

- NW 21<sup>st</sup> Avenue is located along one of the original street car routes through the area and has served as one of the commercial main streets. The desired characteristics of this area are to preserve or adaptively reuse the Streetcar Era structures that define the main streets and retain the continuous frontage of buildings and active uses.
- The new window, stucco restoration, new signage and lighting improve the storefront character of the building and thus reuses the existing building, as well as preserves the continuous storefront character of the area.

*This guideline is 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.

**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:**

- The new divided lite storefront window brings visual interest and a sense of scale to the building façade.
- The wood or metal signage letters as well as the gooseneck signage lights will bring a sense of depth and articulation to an otherwise blank wall.
- While the new wood window sits within the same opening as the old window, this opening will continue to provide an opportunity for eyes on the street and help reduce crime along NW 21<sup>st</sup> Avenue.

*These guidelines are 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 new window is multi-paned and consists of wood, relating in material to the existing wood window and transom at the northern end of the street façade. The divided lite character also corresponds strongly with the scale and rhythm of the existing divided transom.
- The restoration of the stucco wall material, preserves the masonry character of the building.

- The new signage and lighting is appropriately scaled and aligned with the new window, respecting the building architecture and creating a cohesive composition.
- To ensure that no electrical conduit is exposed on the building exterior and thus the building's architectural integrity protected, Condition B has been added.
- The wood, masonry and metal materials proposed are long lasting and will improve the quality of the building.
- The new window, signage, lighting and stucco create a higher quality storefront than the previous condition that will enhance the pedestrian environment and be interesting to view.

*Per Condition of Approval B, requiring that no electrical conduit be visible on the building exterior, 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 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 proposed exterior alterations to the existing building at NW 21<sup>st</sup> Avenue will maintain the character of the original structure and easily blend into the neighborhood. The proposal meets the relevant design guidelines and thus merits approval.


## **ADMINISTRATIVE DECISION**

Approval of a new window, stucco wall material, wall signage and exterior lighting on an existing building within the Alphabet Historic District.

Approval per the approved plans, Exhibits C.1 through C.4, signed and dated September 14, 2009 subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 09-147933 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No electrical conduit can be visible on the building exterior.

**Staff Planner: Abigail Fowle**

**Decision rendered by:**  **on September 14, 2009.**

By authority of the Director of the Bureau of Development Services

**Decision filed: September 15, 2009**

**Decision mailed: September 16, 2009**

**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.

**Procedural Information.** The application for this land use review was submitted on August 3, 2009, and was determined to be complete on **August 17, 2009**.

*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 August 3, 2009.

*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.

**Appealing this decision.** This decision may be appealed to the Design Commission which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 30, 2009** at 1900 SW Fourth Ave. Tuesday through Friday appeals can be filed on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and on Monday, 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. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. 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.

**Appeal fee waivers.** Multnomah County may cover the appeal fees for their recognized associations. An appeal filed by a recognized association must be submitted to the City with

either the appropriate fee or the attached form signed by the County. Contact Multnomah County at 503-988-3043, 1600 SE 190<sup>th</sup>, Portland, OR 97233.

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](http://www.portlandonline.com).

**Attending the hearing.** If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design 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 Design 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 **October 1, 2009 – (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 503-823-7967.

**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, or
- In situations involving only the creation of lots, the land division has been recorded.

**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.

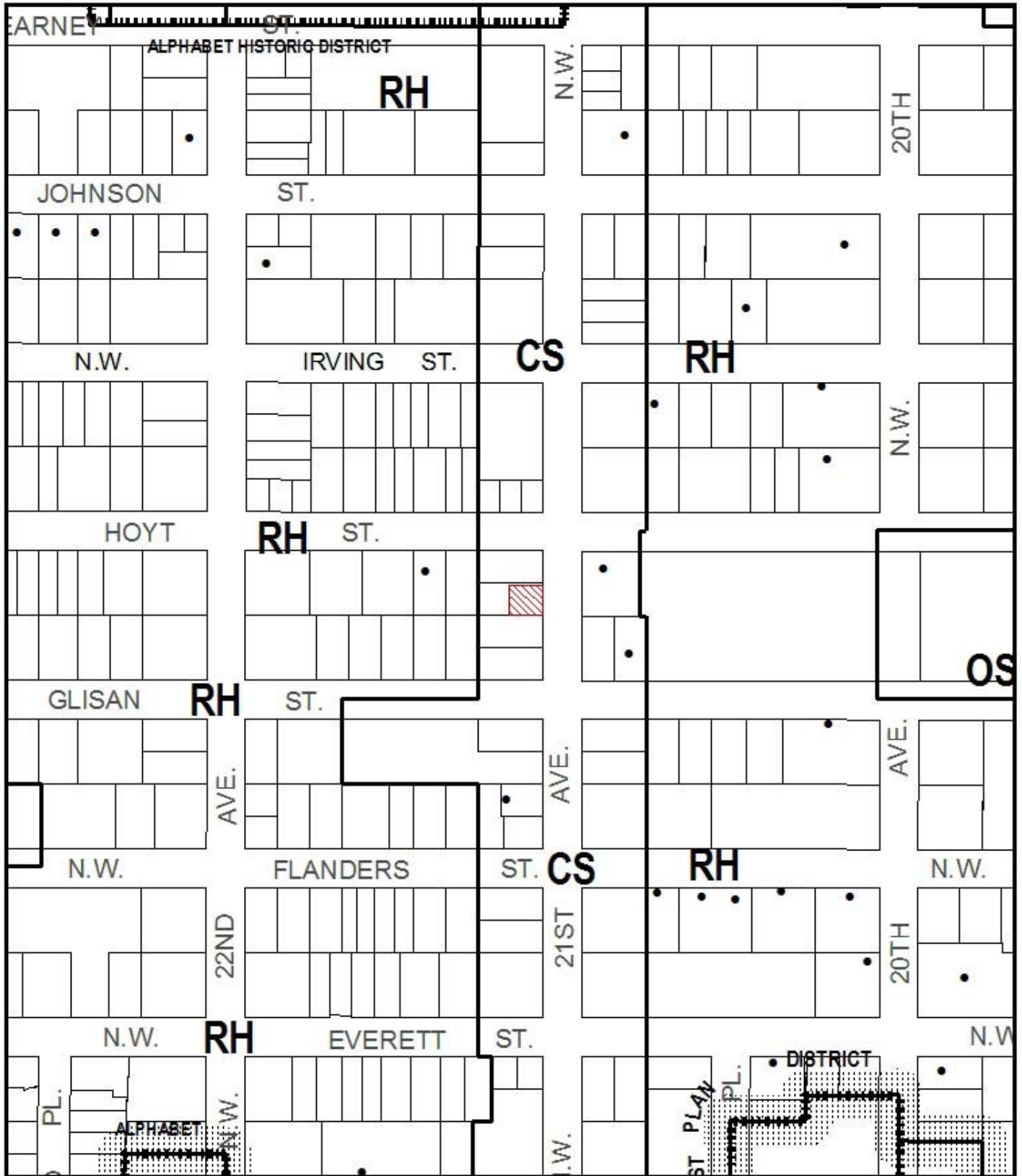
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. East Elevation (attached)
  - 3. Building Section
  - 4. Lighting Cutsheets
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Historic Info.

**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

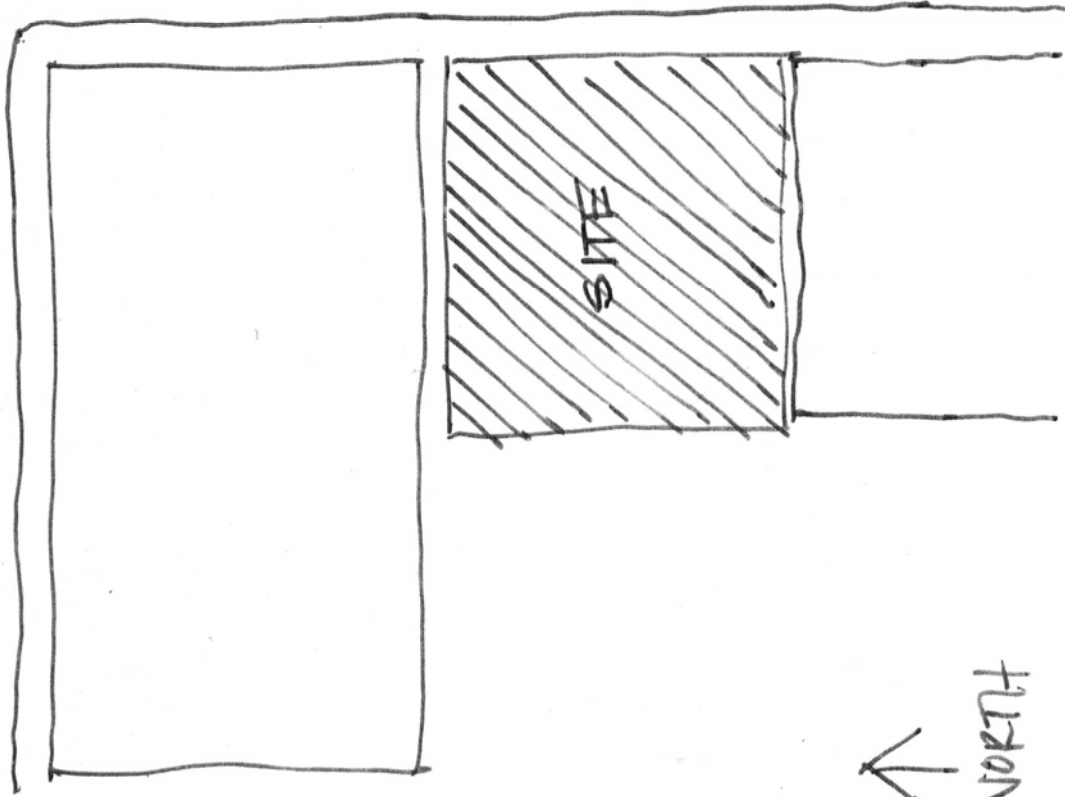
 Historic Landmark



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

File No. LU 09-147933 HDZ  
 1/4 Section 2927  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E33BD 6600  
 Exhibit B (Aug 04,2009)

NW Hoyt St



NW 21st Ave

↑ NORTH

SITE PLAN

Exh. C.1  
LU 09-147933 HDZ

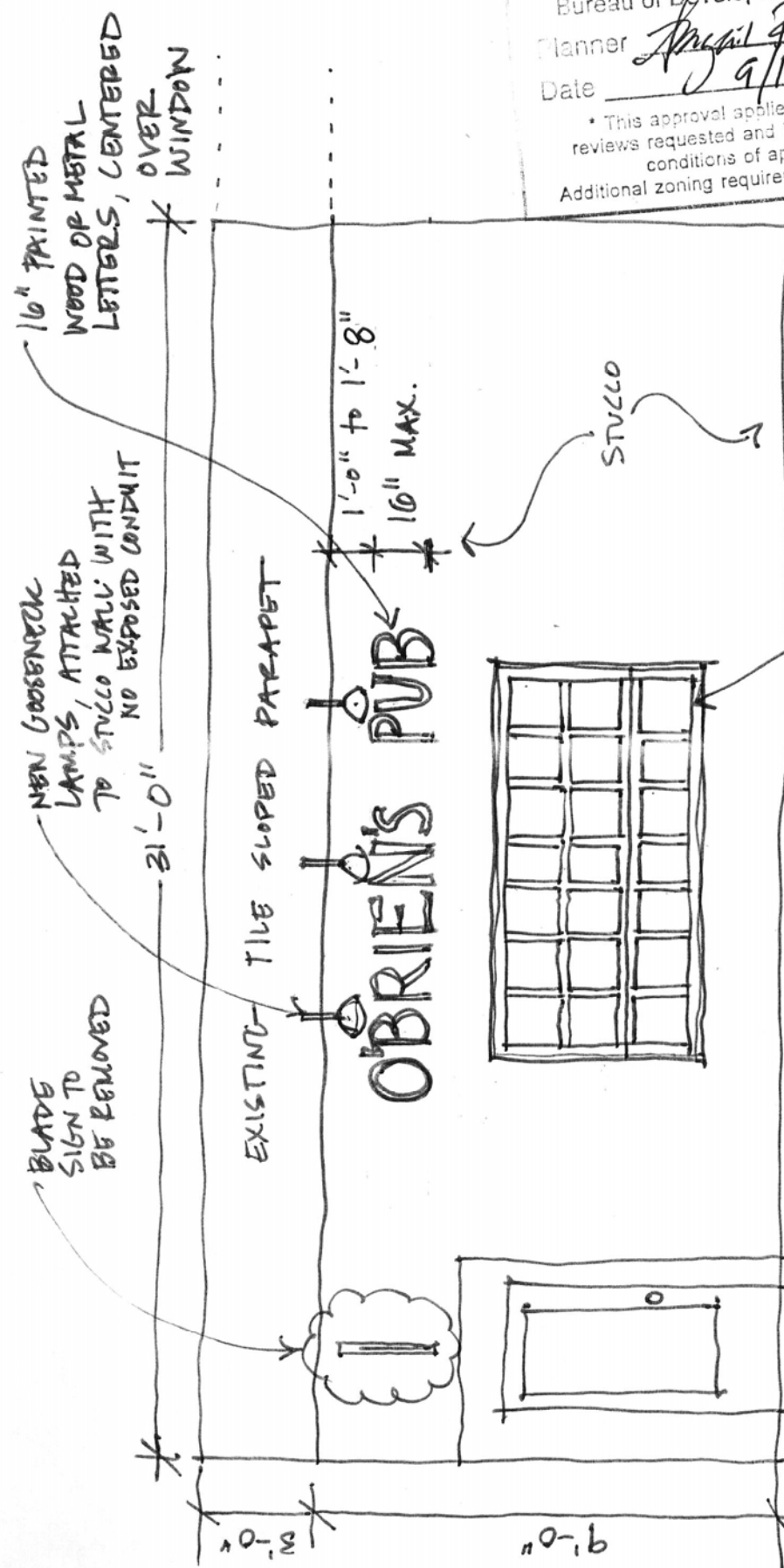
\*Approved\*

City of Portland  
Bureau of Development Services

Planner *[Signature]*

Date 9/14/09

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



\*Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner [Signature]  
 Date 9/14/09

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

EAST ELEVATION  
 SCALE 1/4" = 1'-0"

NOTE: PER CONDITION B, ALL ELECTRICAL CONDUIT MUST NOT BE VISIBLE.

Exh. C.2  
 LU 09-147933 HDZ