



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: March 30, 2012
To: Interested Person
From: Chris Caruso, 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 12-110957 HDZ
NEW WINDOWS & SIDING FOR DICK'S KITCHEN

GENERAL INFORMATION

Applicant: Barbara Stutz/Laughing Planet Cafe
2120 NE Oregon/Portland, OR 97232

Owner: The Spice Mill LLC/12605 SE Tibbetts St
Portland, OR 97236-3249

Site Address: 704 NW 21ST AVE

Legal Description: S 33 1/3' OF LOT 18 BLOCK 283, COUCHS ADD
Tax Account No.: R180228150
State ID No.: 1N1E33BD 05200
Quarter Section: 2927
Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Patricia Fielder at 503-407-6163.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest
Other Designations: Non-contributing structure in Alphabet Historic District
Zoning: CS, Storefront Commercial with historic overlay
Case Type: HDZ, Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant seeks historic review approval for exterior alterations to an existing non-contributing commercial structure, built in the 1970's in the Alphabet Historic District. The proposal includes the following:

- Remove the six existing windows, transom windows and intermediate divider, and replace them with six larger, fir, single-hung windows;

- Add smooth, horizontal fir siding with end trim along 44 feet of the NW Irving Street façade from the sidewalk up to the parapet trim band, and reinstall the existing black can lights;
- Add smooth, horizontal fir siding on the recessed walls around the main entry door on NW 21st Avenue; and
- Relocate one ground-based compressor onto the roof.

All other existing wall surfaces, awnings, light fixtures, and doors will remain. Historic Design Review is required for exterior alterations to existing buildings in historic districts.

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:

- 33.846 Historic Reviews
- Community Design Guidelines
- Historic Alphabet District Community Design Guidelines Addendum

ANALYSIS

Site and Vicinity: The 3,333 SF site is located on the NE corner of the intersection of NW 12st Avenue and NW Irving Street and is developed with a one-story, flat-roofed commercial building that is listed as a non-contributing resource within the Alphabet Historic District, and with a small parking area to the rear of the site. The surrounding area is a mix of older, low-rise apartment buildings, multi-story commercial structures, surface parking lots, and mixed-use residential buildings with ground level retail spaces added to their fronts. The subject building is a rather nondescript structure that was built in the 1970’s and has been renovated several times since then. The mix of uses and building types is highly characteristic of NW 21st Avenue.

Northwest 21st Avenue is designated a Transit Access Street, a Neighborhood Collector, a Local Service Bikeway, and a City Walkway. Northwest Irving Street is designated a City Walkway and Local Service Bikeway. The site is within the Northwest Pedestrian District.

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 predominately 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 Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region’s heritage. The regulations implement Portland’s Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region’s citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city’s economic health, and helps to preserve and enhance the value of historic properties.

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

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 6, 2012**. No service bureau or agency reviews were required for this proposal.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 6, 2012. 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 33.846.060 - Historic Design Review

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 and the proposal is for a non-exempt treatment. Therefore Historic Design Review approval is required. The approval criteria are the *Community Design Guidelines* and the *Historic Alphabet District Community Design Guidelines Addendum*.

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

Historic Alphabet District - Community Design Guidelines Addendum

- 1. Historic Changes.** Most properties change over time; those changes that have acquired historic significance will be preserved.
- 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 for 1 and 2: The original structure, built in the 1970’s, is considered “noncontributing” within the district and no changes have acquired historic significance. There are no historically important materials or resources on the site or building. *These guidelines are therefore not applicable.*

- 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 new wood windows and decorative wood siding relate to the existing building by fitting within existing window openings and on existing exterior wall surfaces, allowing the original form of the building to remain in tact. Wood siding and windows are traditional materials used throughout the district allowing this building to remain compatible with surrounding buildings as well as with the historic quality of the district. *These guidelines are therefore met.*

Community Design Guidelines

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 for P2 & D7: Northwest 21st Avenue held one of the original street car routes through the area and has continued to serve as one of the neighborhood’s commercial main streets. One of the desired characteristics of this area is to retain the continuous frontage of retail buildings and active uses. The decorative wood siding and replacement lighting will improve the storefront character of the building by creating a visually appealing façade that will cue potential customers to the active areas within it. The removal of the intermediate window divider will create larger openings for the new windows, allowing for more visual connections into and out of the space thus preserving and enhancing the continuous storefront character of the area. *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.

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

Findings for E3, E4 & D2: The new wood siding and wood windows will bring additional visual interest and a sense of scale to the otherwise nondescript building façade. The existing corner entry will remain and will continue to be visually prominent, angled to face the intersection. The second entry along NW 21st Avenue will also remain and will be enhanced for more visual prominence by the addition of decorative wood siding on either side of the door. Both entries will remain pedestrian-accessible and oriented to the public rights-of-way which in turn connect to local area transit routes. *These guidelines are 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: While the new wood windows sits within the same openings as the old windows, these openings will contain more glazing, providing more opportunity for eyes-on-the-street. Existing light fixtures that provide nighttime security along the sidewalks will be reinstalled. Both of these measures can help reduce crime along NW 21st Avenue and NW Irving Street. *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 for D6 & D8: The proposed wood windows and wood siding will be compatible with the existing structure by continuing the regular rhythm of window openings around the building and aligning the new wood siding with existing elements such as doors and parapet trim pieces. The new elements will be compatible with each other as the wood will be finished in a similar manner to create a coherent composition of texture and color on both street-facing facades. The wood and glass materials proposed are long lasting and will improve the quality of the building while also enhancing the pedestrian environment by making the building more visually interesting. *These guidelines are therefore 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 additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. The proposed exterior alterations to the existing building at NW 21st Avenue and NW Irving Street will maintain the character of the original structure and easily blend into the neighborhood. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of historic design review for exterior alterations to an existing non-contributing commercial structure, built in the 1970’s in the Alphabet Historic District to include the following:

- Remove six existing windows, transom windows and intermediate dividers, and replace them with six larger, fir, single-hung wood windows;
- Install smooth, horizontal fir siding with end trim along 44 feet of the NW Irving Street façade from the sidewalk up to the parapet trim band, and reinstall the existing black can lights;
- Install smooth, horizontal fir siding on the recessed walls around the main entry door on NW 21st Avenue; and
- Relocate one ground-based compressor onto the roof.

Approved per the approved site plans, Exhibits C-1 through C-10 signed and dated March 28, 2012, 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.10. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-110957 HDZ. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by:  **on (March 28, 2012.)**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 30, 2012

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 7, 2012, and was determined to be complete on February 29, 2012.

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 7, 2012.

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. Unless further extended by the applicant, **the 120 days will expire on: June 30, 2012.**

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 April 13, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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 **April 16, 2012 – (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.

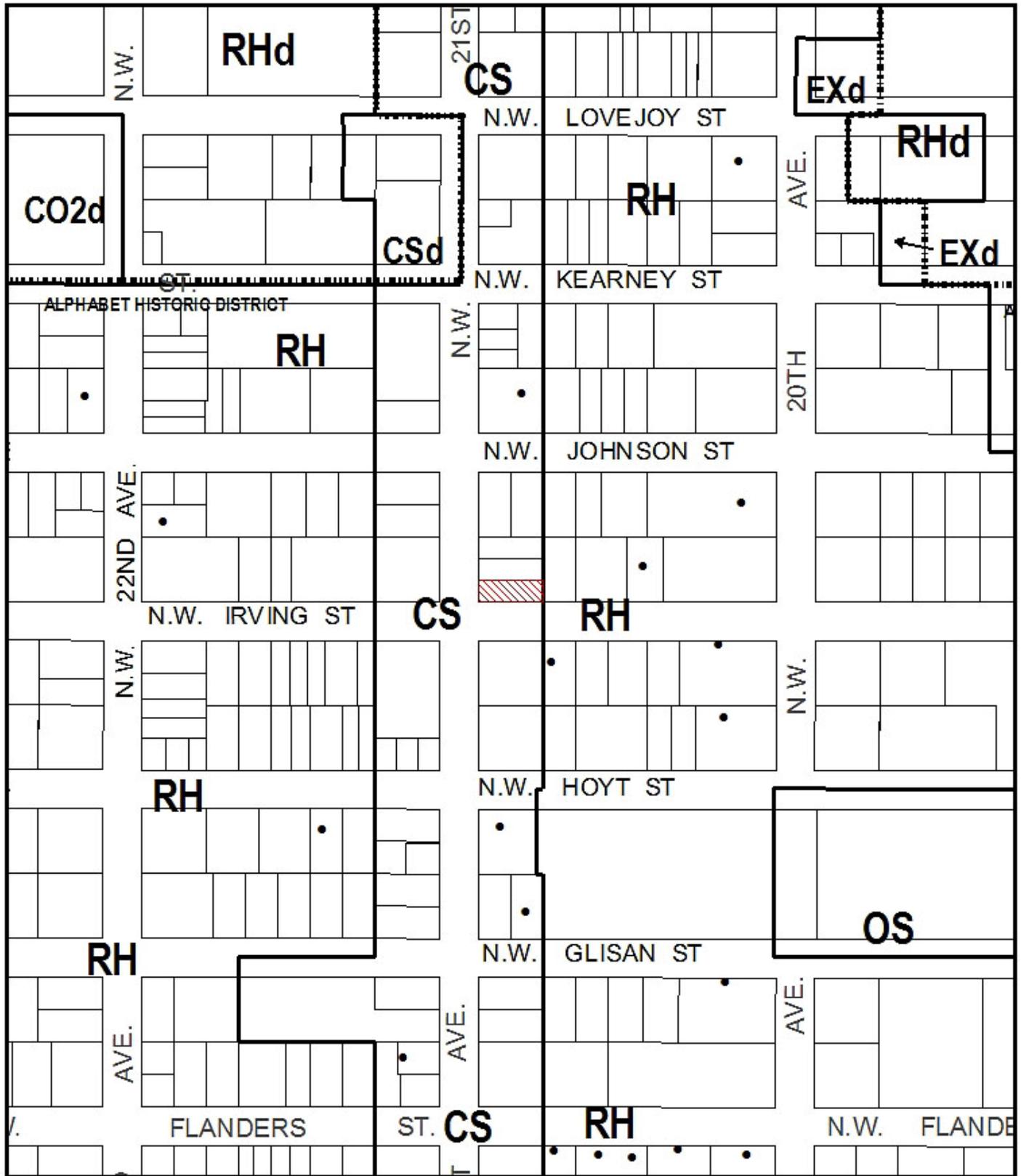
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Elevations
 3. Elevations with Notes (attached)
 4. Enlarged Elevations
 5. Wall Details

6. Window Details
 7. Roof Plan
 8. Roof Equipment Elevations
 9. Siding Image
 10. Window Images
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses: none required
- F. Correspondence: none received
- G. Other:
1. Original LU Application
 2. Site History Research
 3. Incomplete Letter

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



ZONING



Site



Historic Landmark



NORTH

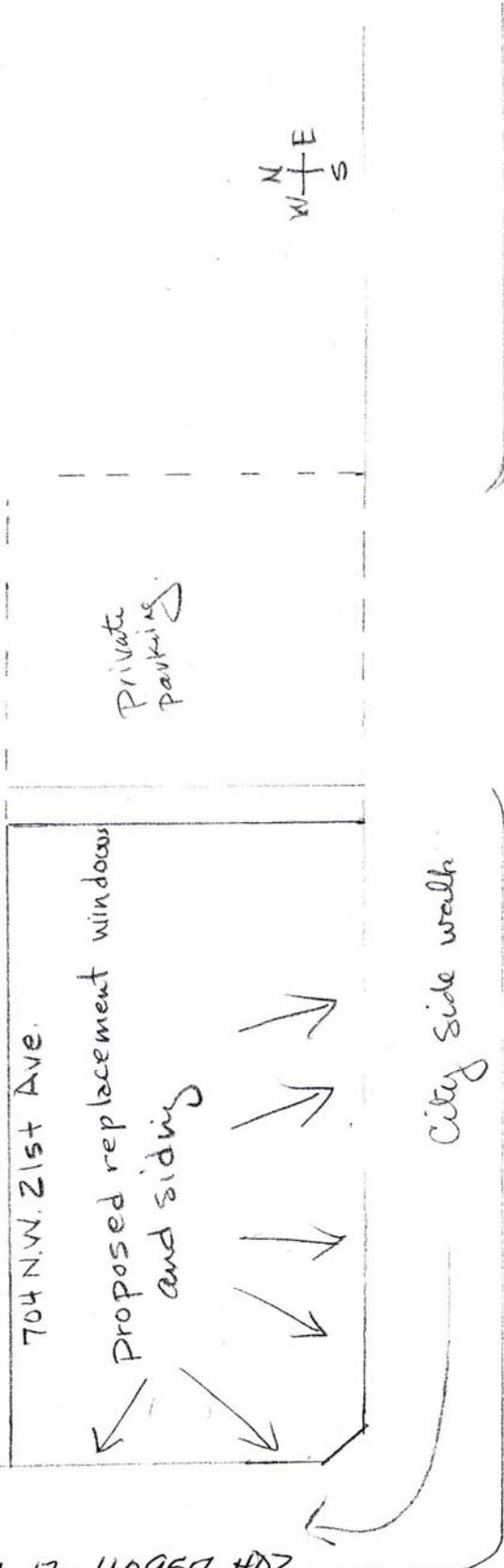
This site lies within the:
ALPHABET HISTORIC DISTRICT
NORTHWEST PLAN DISTRICT

File No.	LU 12-110957 HDZ
1/4 Section	2927
Scale	1 inch = 200 feet
State_Id	1N1E33BD 5200
Exhibit	B (Feb 14, 2012)

Site Plan

704 NW 21st Ave
Dick's Kitchen

Approved
City of Portland
Bureau of Development Services
Planner CC
Date 3/28/12
• This approval applies only to the reviews requested and is subject to all conditions of approval.
Additional zoning requirements may apply.



LU 12-110957 HDZ

NW
21st

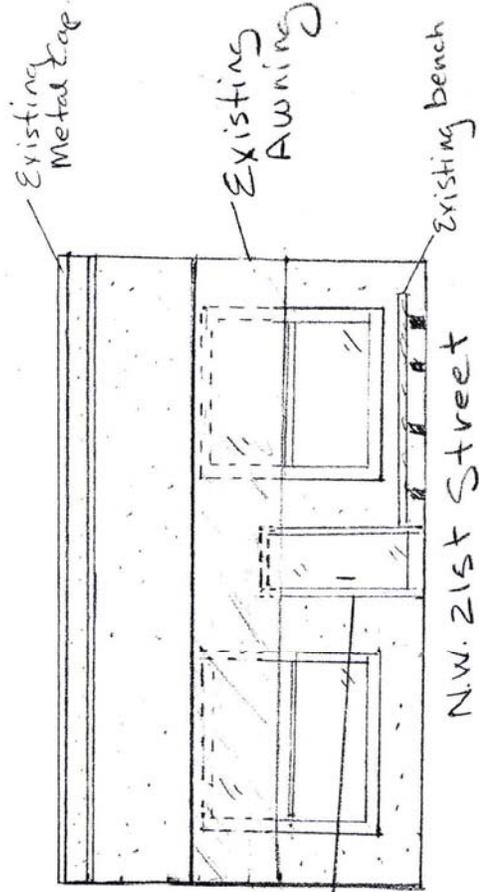
DICKS KITCHEN
 704 N.W. 21st. Ave.
 Portland, OR 97209

Siding & Windows

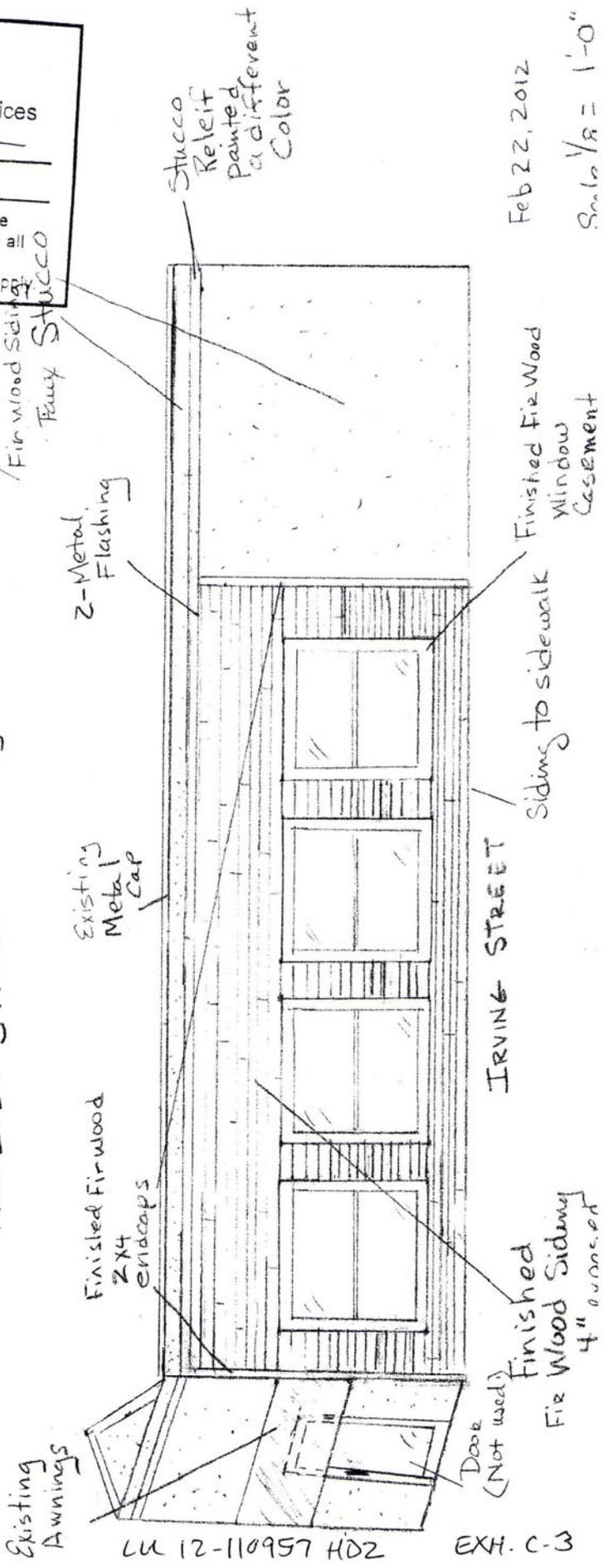
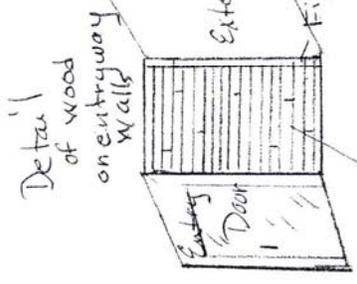
Approved
 City of Portland
 Bureau of Development Services
 Planner C. Cant
 Date 3/28/12

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

- Replacing 6 windows.
 Window glass
 ① DPG, Low E Solarban 60
 ② Insulated tempered glass
 ③ U-value .27 summer .26 winter



Recessed door walls also receive wood treatment.



Feb 22, 2012
 Scale 1/8" = 1'-0"