



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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**Date:** November 15, 2012  
**To:** Interested Person  
**From:** Kate Marcello, Land Use Services  
503-823-7538 | [kate.marcello@portlandoregon.gov](mailto:kate.marcello@portlandoregon.gov)

## **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 the version located on the BDS website: <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the district coalition and then scroll to the relevant neighborhood and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 12-182688 HDZ** **Alterations to Storefront Windows and Doors**

#### **GENERAL INFORMATION**

**Applicant:** Mike Coyle, Faster Permits (Representative)  
14334 NW Eagleridge Ln | Portland, OR 97229 | 503-680-5497

**Owner:** The Singer Family LLC  
416 NW Hermosa Blvd | Portland, OR 97210-3314

**Site Address:** 801-817 NW 23<sup>rd</sup> Avenue

**Tax Account No.:** R452300460  
**State ID No.:** 1N1E33BC 09200  
**Quarter Section:** 2927  
**Neighborhood:** Northwest District; contact John Bradley at 503-313-7574  
**Business District:** Nob Hill; contact Mike Conklin at 503-226-6126  
**District Coalition:** Neighbors West/Northwest; contact Mark Sieber at 503-823-4212  
**Plan District:** Northwest Plan District  
**Other Designations:** Secondary Contributing Resource in Alphabet Historic District  
**Zoning:** Storefront Commercial base zone (CS);  
Historic Resource Protection overlay zone

**Case Type:** Historic Design Review (HDZ)  
**Procedure:** Type II (an administrative decision with appeal to the Landmarks Commission)

**Proposal:** The applicant requests Historic Design Review approval for alterations to the storefront windows and doors at the tenant space most recently occupied by retail tenant Music Millennium. The existing transom windows will not be affected. The proposed alterations include the following:

- On the east façade (facing NW 23<sup>rd</sup> Avenue), the existing fixed windows in the southernmost window bay will be removed and replaced with bi-fold wood windows. The new windows will fit within the existing opening. The existing transom windows will not be affected.

- On the south façade (facing NW Johnson Street), the applicant requests the option of installing sliding wood windows in the third westernmost window bay. The sliding system would consist of two windows, wherein one window slides behind the other window. When the two windows are in the closed position, they would be in the same plane. In order to install these new windows, the existing fixed windows would be removed. The new windows would fit within the existing opening. The existing transom windows would not be affected.
- At the existing corner entrance to the tenant space, one of the entry doors and the transom window just above it will be removed and replaced with a new door. The new door will be made of wood and will fit within the existing door-and-transom opening. The other existing entry door, which faces directly south, will be removed. The existing transom window above this door and the existing fixed storefront windows directly adjacent to this door will also be removed. The door, transom window, and storefront windows will be replaced with bi-fold wood windows.

Because the proposal involves exterior alterations to an existing building located in a historic district, Historic Design Review approval is required prior to the issuance of building permits.

**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 the Community Design Guidelines and the Community Design Guidelines Addendum for the Alphabet Historic District.

## ANALYSIS

- I. Site and Vicinity:** The subject property, originally known as the Menashe, Ezra, and Benveniste Building, is classified as a contributing structure in the Alphabet Historic District. The building was constructed in 1927. It is a classic single-story storefront commercial building. Divided into regularly spaced storefront bays, the building displays modest Mediterranean Revival style characteristics typical of the building's time of construction.

The building is located in the southeast corner of the block bounded by NW 23<sup>rd</sup> Avenue, Johnson Street, Kearney Street, and 24<sup>th</sup> Avenue. The building is one of three commercial buildings on the block, all with frontage on NW 23<sup>rd</sup> Avenue. The majority of the block is occupied by residential structures, ranging from single-family residences to multi-family structures.

The Alphabet Historic District was placed on the National Register of Historic Places in 2000. The District is significant for associations with individuals, associations with historic trends, and architectural expressions. The District includes a broad mixture of building types, including single-story residences, quarter-block apartment buildings, one- and two-story commercial structures, and religious institutions. The District's period of significance – 1889 to 1940 – means that a significant range of stylistic approaches are represented, from Italianate to Art Deco. The District's overall cohesion is supported by a regular pattern of tree-lined streets and a consistent mid-range scale of buildings, which is punctuated occasionally by a larger structure.

With regard to the surrounding transportation environment, NW 23<sup>rd</sup> Avenue is a designated Neighborhood Collector Street, Major Transit Priority Street, Community Main Street, Local Service Walkway, and Local Service Bikeway. NW Johnson Street is classified as a Local Service Walkway and City Bikeway. The site is located in the Northwest Pedestrian District.

**II. Zoning:**

The Storefront Commercial (CS) 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 Historic Resource Protection overlay zone is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region's heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

- III. Land Use History:** City records indicate two prior land use reviews for the site.  
LU 08-141422 HDZ: Historic Design Review approval to replace three existing mechanical units on the rooftop with three larger units.  
LU 08-157663 HDZ: Historic Design Review approval for alterations to the northernmost storefront bay. Alterations included new tile surfacing in the existing recessed entry area and an indirectly lit aluminum tube frame sign in the area below the existing transom windows and above the existing storefront windows.
- IV. Agency Review:** A *Notice of Proposal in Your Neighborhood* was mailed on October 2, 2012.
- Six bureaus responded with no comments.
    - Portland Fire & Rescue;
    - Portland Water Bureau;
    - Bureau of Environmental Services;
    - Urban Forestry Division of Portland Parks & Recreation;
    - Development Review Section of the Portland Bureau of Transportation; and
    - Site Development Review Section of the Bureau of Development Services.
  - The Life Safety/Building Code Section of the Bureau of Development Services responded with comments and with no objections to the proposal (Exhibit E-1).
- V. Neighborhood Review:** A *Notice of Proposal in Your Neighborhood* was mailed on October 2, 2012. No written comments in response to the proposal have been received from the neighborhood association (Northwest District Neighborhood Association) or notified property owners.

## 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.

**Findings for 1:** The proposal does not affect any changes that have acquired historic significance. *Therefore this guideline is 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.

**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 for 2, 3:** The subject building, a contributing structure in the Alphabet Historic District, is supportive of the historic milieu. The new windows will be subtly distinguishable from the old because operable storefronts are uncharacteristic of the historic period. The essential quality of openings glazed in a single plane is retained.

The relationship and compatibility of the building with neighboring commercial buildings will be unaffected. The new windows and entry door are in scale with those of the historic period found in the surrounding area. *Therefore these guidelines are met.*

**Community Design Guidelines****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 for P1:** According to the Community Design Guidelines document, the sense of place and identity of the Northwest Plan District can be enhanced by "incorporating design elements that contribute to a vibrant and pedestrian-oriented streetscape." The proposal accomplishes this by maintaining the existing large storefront window openings on both façades. When the new windows are open during favorable weather, there will be an even more seamless transition between the private interior realm of the restaurant and the public realm of the abutting streets. The proposal makes a positive contribution to the pedestrian-oriented streetscape of the Northwest Plan District. *Therefore this guideline is met.*

**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 for P2:** The Alphabet Historic District has been deemed significant partially for its broad mixture of building types. Many stylistic approaches are represented in the District. The subject site displays Mediterranean Revival style characteristics in the form of a classic single-story storefront commercial building. The proposal maintains the building's original style. The new windows and door will not alter the size of existing openings on the building. Additionally the new windows will simulate the appearance of a fixed storefront system when they are in the closed position, as the glazing will be in the same plane. The proposal also maintains the existence of an entry door at the chamfered corner, which is a classic characteristic of such storefront commercial buildings. *Therefore this guideline is 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.

**Findings for E3:** The new windows will also allow generous views of the restaurant's active interior, piquing the interest of passersby. When the new windows are in the open position, they will allow for passive interaction between restaurant patrons and pedestrians. The windows will be made of wood with appropriately sized rails and stiles, adding to the existing ensemble of small-scale features – brick cladding, bulkhead with inset panels, wood transom windows – that are interesting to view. *Therefore this guideline is met.*

**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 E4, D2:** The new entry door will be installed at the existing chamfered corner, in the same location as an existing entry door. The new door will be taller than the existing door, which will make the entrance more prominent. The new operable windows to be installed adjacent to the new door will also help to highlight the entry area. The southeast corner of the building will retain its clear identity as an entry location and continue to foster an active intersection at NW 23<sup>rd</sup> Avenue and Johnson Street. *Therefore these guidelines are 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 for D5:** The new windows will allow ample views of the streetscape from the interior of the tenant space. Views of the surrounding area will be even more generous when the windows are open during favorable weather. The new windows can reduce the likelihood of street crime by allowing what noted urban design activist Jane Jacobs termed “eyes on the street.” *Therefore this guideline is 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.

**Findings for D6:** The proposal respects the architectural integrity of the existing building. The new windows are compatible with the existing building in four principal ways:

- They will fit within existing openings.
- When the windows are in the closed position, their glazing will be in the same plane. This allows the windows to simulate the appearance of the fixed storefront system commonly found on such 1920s storefront commercial buildings.
- The new windows will be made of wood, which is appropriate for the building's commercial storefront typology and Mediterranean Revival architectural style.
- The width and depth of the stiles and rails are compatible with the width and depth of the mullions of the existing transom windows and the other storefront windows.

The new door is compatible with the existing building in three principal ways:

- The door will fit within an existing door opening.
- The new door will be located at the building's chamfered corner, where entry doors have existed previously, and where entry doors are commonly found on 1920s-era storefront commercial buildings.
- The new door will be made of wood, which is appropriate for the building's typology and architectural style.

*Therefore this guideline is met.*

**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 D8:** The new windows and door will be made of high-quality, durable fir wood. The windows and door will fit within existing openings, maintaining the integrity of the tenant space's regularly spaced window bays. With its chamfered corner entrance and large windows that allow ample views of the interior, the building will remain interesting to view as a classic 1920s-era storefront commercial structure. The building will remain a cohesive composition. *Therefore this guideline is 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 windows and door are materially and stylistically compatible with the existing building. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION


Approval of the following alterations located at an existing building in the Alphabet Historic District:

- New wood entry door at the southeast corner of the building,
- New bi-fold wood windows at the southeast corner of the building,
- New bi-fold wood windows at the southernmost window bay on the east façade, and
- The option to install sliding wood windows at the third westernmost storefront bay on the south façade.

Approval per the approved plans and drawings, Exhibits C-1 through C-6, signed and dated November 9, 2012, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related condition must be noted on each of the four 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 12-182688 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The glazing of the optional sliding windows will be in the same plane when closed.
- C. No field changes allowed.

**Staff Planner: Kate Marcello**

**Decision rendered by:**  **on November 9, 2012**

By authority of the Director of the Bureau of Development Services

**Decision mailed: November 15, 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 September 14, 2012, and was determined to be complete on **September 28, 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 September 14, 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.

**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 Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 29, 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](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 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 **November 30, 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.

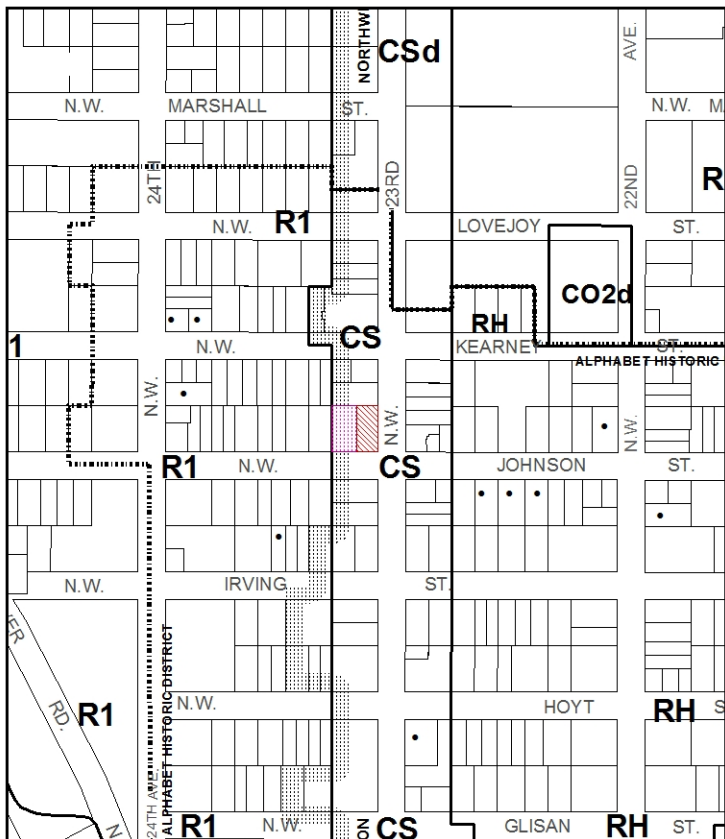


**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement/Narrative
- B. Zoning Map (*attached*)
- C. Plans and Drawings:
  - 1. Site Plan (*attached*)
  - 2. Enlarged Site Plan
  - 3. Existing Elevation Drawings
  - 4. Proposed Elevation Drawings (*attached*)
  - 5. Detail Drawings
  - 6. Window Manufacturer's Information (includes head and sill detail drawings)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Response:
  - 1. Life Safety/Building Code Section of BDS
- F. Correspondence: None received
- G. Other:
  - 1. Original Land Use Review Application
  - 2. Site Visit Photographs

**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

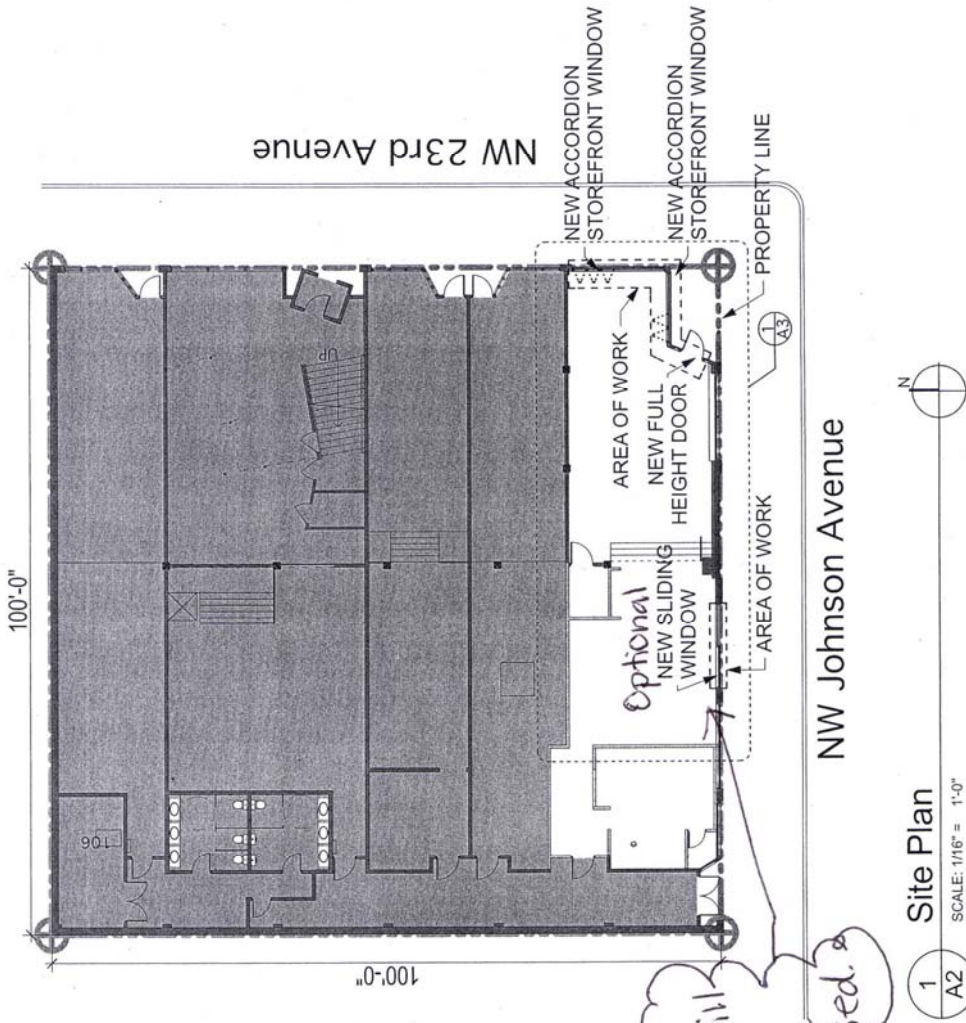
-  Site
-  Also Owned
-  Historic Landmark

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



File No.	<u>LU 12-182688 HDZ</u>
1/4 Section	<u>2927</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E33BC 9200</u>
Exhibit	<u>B</u> (Oct 01, 2012)

Site Plan



Windows will be in same plane when closed.

1  
A2  
Site Plan  
SCALE: 1/16" = 1'-0"

Reduced sheet size.



<b>Koch Architecture</b> 7042 NE HOYT ST PORTLAND OR 97213 INFO@KCOCHARCHITECTURE.BIZ	<b>FRESIDE RESTAURANT</b> 801 NW 23rd AVE PORTLAND, OR 97210	Design Review	<b>A2</b>
	PLOT DATE: 8/22/12		

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner *[Signature]* Date November 9, 2012  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 12-182688 HDZ

# Elevations

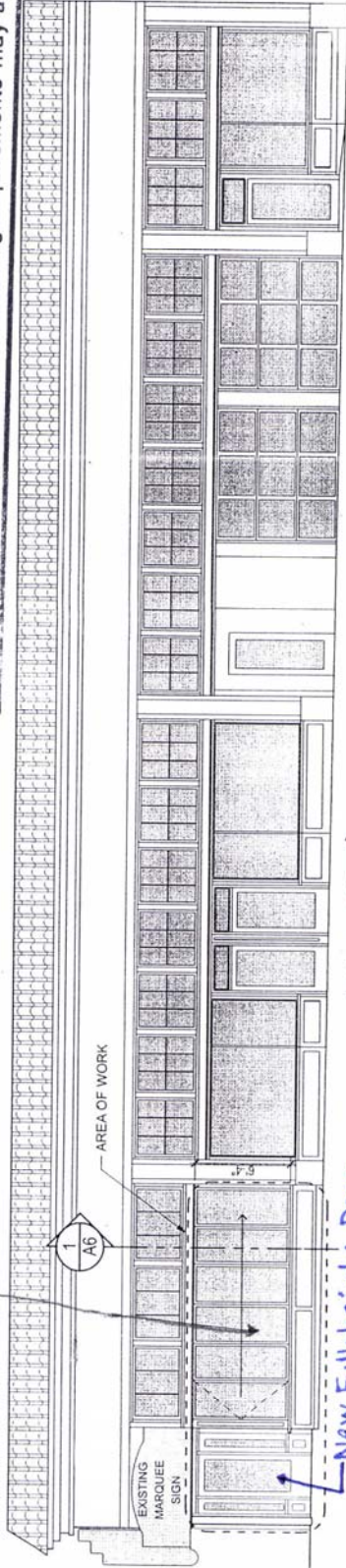
City of Portland - Bureau of Development Services

Planner *Kathleen*

Date *November 9, 2012*

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

New Bi-fold Storefront Window

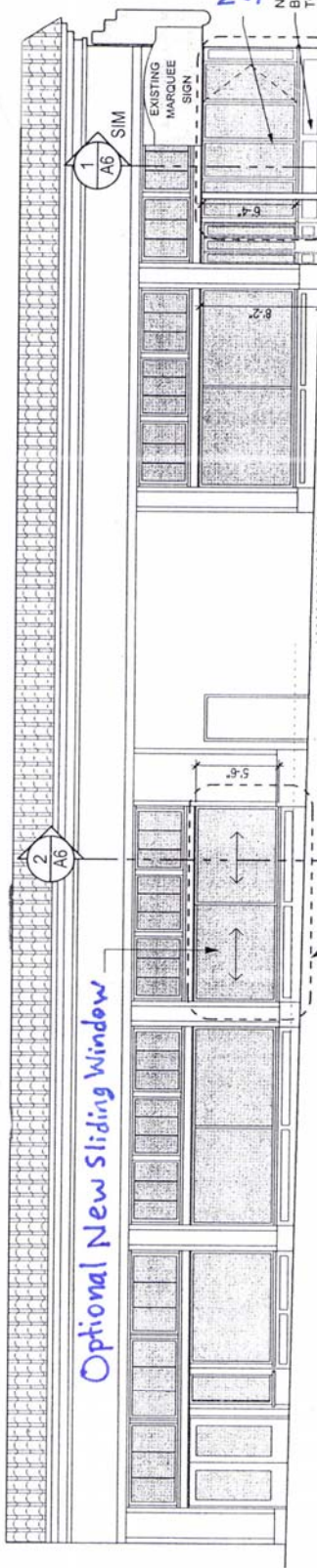


(NW 23rd Ave)

1 Proposed East Elevation

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

Optional New Sliding Window



(NW Johnson St)

2 Proposed South Elevation

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



Windows will be in the same plane when closed.

Reduced sheet size.

LU 12-182688 HDZ