



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

FROM CONCEPT TO CONSTRUCTION

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Date: November 5, 2013
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
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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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition 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 13-149158 HR – EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: John Cooley, Architect
2505 SE 11th Avenue #320 / Portland, OR 97202

Owners: Holly and Zachary Levow
2238 SE 12th Avenue / Camas, WA 98607-2282

Contractor: Kevin Guinn / Hammer & Hand
1020 SE Harrison Street / Portland, OR 97213

Site Address: 919 NW 23rd Avenue

Legal Description: BLOCK 25 S 16 2/3' OF LOT 2 N 16 2/3' OF LOT 3, KINGS 2ND ADD
Tax Account No.: R452303880
State ID No.: 1N1E33BC 11900 **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
Other Designations: Contributing resource in the Alphabet Historic District, listed in the National Register of Historic Places on November 16, 2000.

Zoning: CS – Storefront Commercial, With Historic Resource Overlay
Case Type: HR – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant is seeking Historic Resource Review approval for the following exterior alterations, already constructed, which differ from the previously approved 2003 land use application, LU 03-102094 HDZ:

- At the first floor, replacement of the former tripartite window at the enclosed front porch with four wood windows with transoms above and hoppers below, in an enlarged opening, and corner boards and a square post at the corners rather than the previously

approved round columns. Previously approved transom windows facing the porch are no longer proposed;

- At the 2nd floor deck, square columns rather than the previously approved round columns; and
- At the basement level, the previously-approved round columns flanking the entry door are no longer proposed.

The applicant also seeks historic resource approval for the following proposed alterations:

- A new wooden ramp to wrap the perimeter of the building at the sides and rear to provide ADA access to the 1st floor, including a new wooden planter at the existing rear deck;
- New metal handrail height extensions at the 1st floor entrance steps and new wood guardrail height extension at the 2nd floor deck to comply with Building Code requirements;
- New canvas awning at the basement storefront, measuring 11'-10" (w) x 3'-6" (d) x 2'-0" (h) with a clearance of 6'-7"; and
- Two signs, including one wall sign measuring 12'-2" (w) x 2'-0" (h), or 24.17 square feet, above the basement awning, and one free-standing externally-illuminated sign at the front steps, measuring 2'-0" (w) x 4'-6" (h), or 9 square feet, for a total of 34.17 square feet of signage.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations in the Alphabet Historic District.

Relevant Approval Criteria:

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

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

ANALYSIS

Site and Vicinity: The subject property is a two-and-a-half story Craftsman style house, built in 1906, at the beginning of the great building boom that followed the Lewis and Clark Centennial Exposition of 1905. It is identified as the Ernest and Mary Ellen Merges House, and as a contributing resource, in the National Register of Historic Places documentation for the Alphabet Historic District. The building has been converted to commercial use.

The Alphabet Historic District is an area of Portland significant for its concentration of intact late 19th and early 20th Century, mostly middle class, housing stock and small-scale commercial buildings. Of special note are the many mid-sized apartment and institutional buildings. Many of these are in the various Period Revival styles, e.g. Tudor, Spanish Colonial, Byzantine, Jacobean, etc, and this is especially the case in the immediate vicinity of the proposed new development. Also specific to this location are three, individually designated, historic landmark properties that represent the earliest phase of development within the district, when NW 19th Avenue was the favored address for a number of Portland's wealthiest families.

The area is characterized by a grid of narrower, more tree-lined, east-west residential streets, named alphabetically after prominent Portlanders of the day, which are crossed by generally more robust north-south avenues. Two of these, NW 21st Avenue and NW 23rd Avenue are low-scale business corridors featuring a mix of purpose-built commercial structures and converted houses. NW 19th Avenue is similar in physical character except that institutional uses are more common than commercial ones. It forms the southbound half of a busy traffic couplet with NW 18th as the northbound partner. West of NW 19th the length of the east-west block faces more than doubles, from 200' to approximately 460'.

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 Historic Resource Protection Overlay zone protects certain historic resources in the region and preserves significant parts of the region's heritage. The zone regulations implement Portland's Comprehensive Plan policies that address historic preservation. Proposals for new development or alterations to existing resources within a Historic District are subject Historic Design Review, designated as an overlay zone [d] on Official Zoning Maps. The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value.

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

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed **October 4, 2013**.

Agency Review: None of the notified Bureaus has responded with issues or concerns.

Neighborhood Review: 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 Resource Review

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource 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 Resource 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.
- 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 1, 2, and 3: Although they are not optimal, the already installed deviations from the previous land-use approval are acceptable because they altered a non-historic feature of the house, which originally had a simple, open, elevated, single-story front porch. Rather than the highly conjectural double-height roofed porch that was approved, the preferred treatment at the time in the earlier case would have been a straightforward restoration of historic character by removal of the non-historic porch enclosure. Given that the earlier proposal allowed significant alteration of the front of the house, the specific new elements are less critical.

The additional changes sought in this application, signage, an awning, an accessibility ramp, and extensions to bring existing guardrails into compliance with current Building Code, are minor in character and easily reversible. They do not affect historic materials or character, or any earlier alterations that have acquired significance, and they will not have any adverse effect on the character of the building, its neighbors, or the historic district.

The two proposed signs are both painted and non-illuminated. The 24.17 square foot sign is above a proposed fabric awning at the entrance to a basement tenant space. The other sign is a small, freestanding tenant identification sign, nine square feet in face area at the foot of the front steps. The signs and awning are small, appropriately located, of type and materials sympathetic to the character of the historic district.

These guidelines are 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.

Findings: As described in the preceding finding, the installed and newly proposed alterations do no more damage to the character of the Alphabet Historic District than the changes allowed under the original approval would have. *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 Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of previously installed alterations, other minor alterations, and two signs, a 24.17 square foot painted wall sign and a 9 square foot painted freestanding sign, per the approved site plans, Exhibits C-1 through C-4, signed and dated month/day/year, 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 through C-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-149158 HR. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on October 31, 2013.**
By authority of the Director of the Bureau of Development Services

Decision mailed: November 8, 2013

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 May 9, 2013, and was determined to be complete on September 26, 2013.

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 9, 2013.

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 22, 2013** 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 Historic 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 775 Summer St NE, Suite 330, Salem, OR 97301-1283, 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 Historic 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 25, 2013**.
- 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.

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:

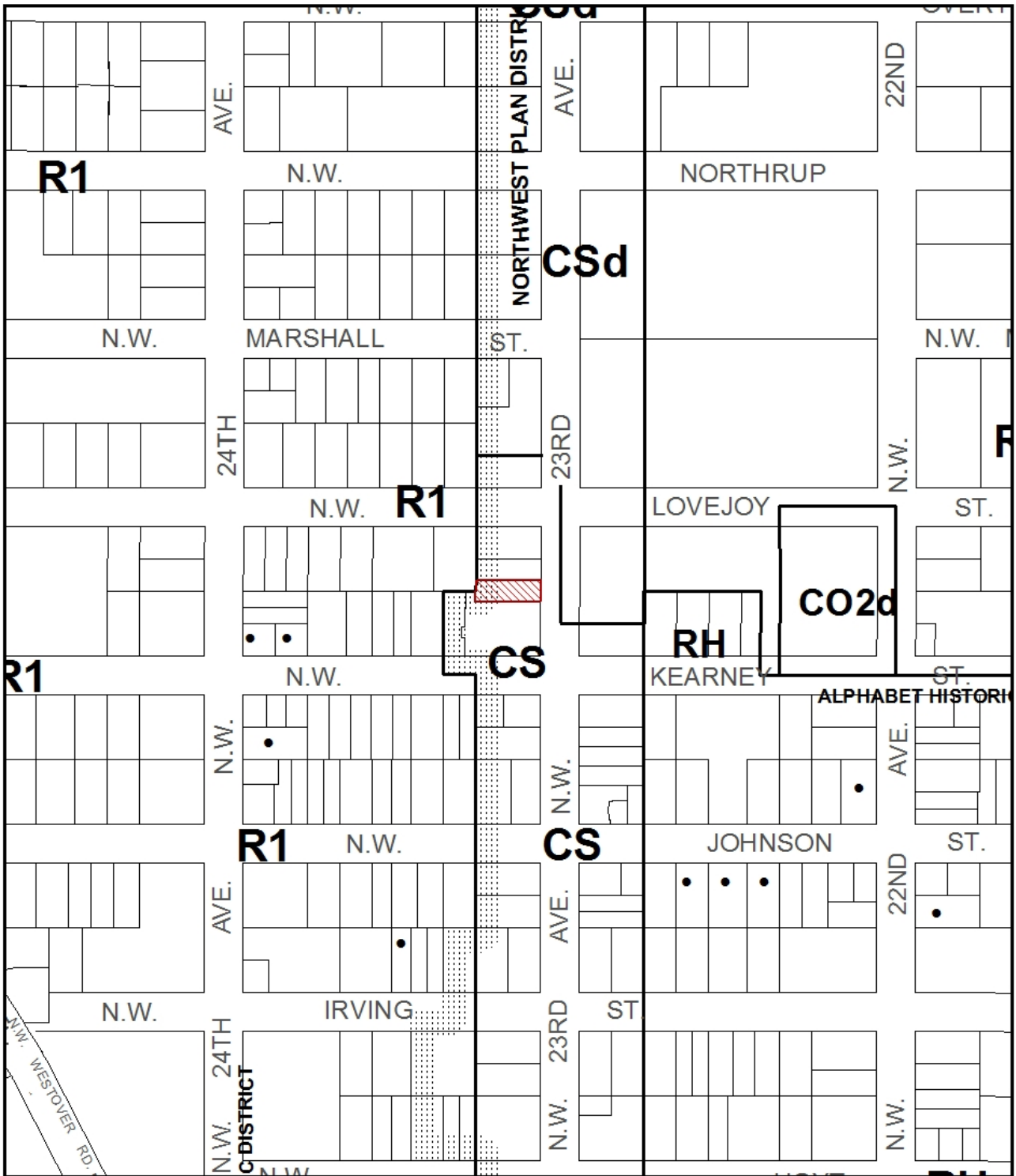
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations 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 and Sign and Awning Details (attached)
 - 3. South Elevation and Ramp Detail
 - 4. Guardrail Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application

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 13-149158 HR

1/4 Section 2927

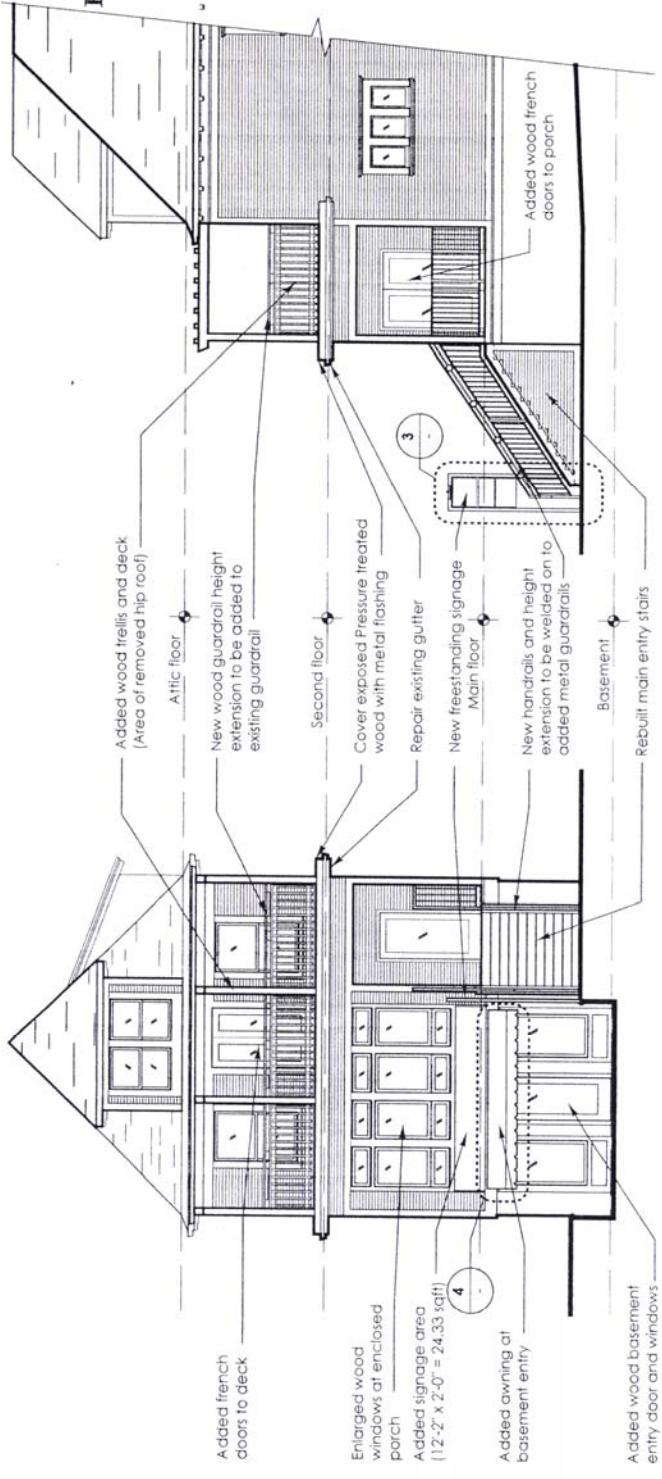
Scale 1 inch = 200 feet

State_Id 1N1E33BC 11900

Exhibit B (May 09, 2013)

RECEIVED
 SEP 12 2013

Approved
 City of Portland - Bureau of Development Services
 Planner: *Debra Parkin*
 Date: 10.31.13
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1 NORTH ELEVATION
 LUR-3 SCALE: 1/8" = 1'-0"

2 EAST ELEVATION
 LUR-3 SCALE: 1/8" = 1'-0"

