

## City of Portland, Oregon

### **Bureau of Development Services**

#### **Land Use Services**

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

**Date:** April 17, 2014 **To:** Interested Person

**From:** Jennifer Kenny, Land Use Services

503-823-7011 / Jennifer.Kenny@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 <a href="http://www.portlandonline.com/bds/index.cfm?c=46429">http://www.portlandonline.com/bds/index.cfm?c=46429</a>. 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 13-232226 HR – NEW WINDOWS AND DOORS GENERAL INFORMATION

**Applicant:** Brian Jackson, Architect LLC

13640 NW Laidlaw Rd / Portland, OR 97229

Site Address: 1801-1817 NW IRVING ST

Legal Description:BLOCK 176 LOT 1&4, COUCHS ADDTax Account No.: R180216090State ID No.:1N1E33AC 06600Quarter Section: 2928

**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 property within the Alphabet Historic District

**Zoning:** EXd, Central Employment with a Design Overlay

**Case Type:** Historic Resource Review

**Procedure:** Type II, an administrative decision with appeal to the Landmarks

Commission.

**Proposal:** The applicant is seeking Historic Resource Review approval to make exterior alterations to a contributing property within the Alphabet Historic District, including:

- Replace the original steel sash windows on the south and east elevations with new aluminum clad windows that match the original sash profile and pattern. The existing windows under the cover at the southeast corner will be retained.
- Replace the non-historic garage door with a new roll-up glass garage door that has aluminum clad windows and man-doors on both sides.
- Add a new wood soffit over the vehicular drive-thru.
- Install skylights on the flat roof, which are exempt from Historic Resource Review.
- Masonry restoration as needed to restore the brick facades.
- A non-historic door will be removed and in-filled with a brick base and replica windows.
- A new sign at the entry elevation with 6" aluminum pin letters on a 1' cement plaster background.
- New exit door with sidelight on Irving Street side.

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 approval criteria are:

■ Community Design Guidelines

 Historic Alphabet District Community Design Guidelines Addendum

#### **ANALYSIS**

**Site and Vicinity:** The subject property is a one-story commercial building, constructed in 1929 as a service station/garage. It was designed in the Spanish Colonial Revival style, and is known historically as, the Associated Oil Building.

The Alphabet Historic District is an area of Portland significant for its concentration of intact late 19<sup>th</sup> and early 20<sup>th</sup> 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,

The area is characterized by a grid of narrow, tree-lined, east-west residential streets, named alphabetically after prominent Portlanders of the day, which are crossed by generally more robust north-south avenues.

**Zoning:** The Central Employment (EX) zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial, business, and service uses which need a central location. Residential uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

The Design Overlay (d) 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 or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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 20, 2014**. The following Bureaus have responded with no issues or concerns:

• Life Safety Plans Examiner submitted comments on March 27, 2014.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 20, 2014. 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 a Contributing property located within the Alphabet Historic District and the proposal is for a non-exempt exterior alteration. 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 quidelines and addressed only those applicable to this proposal.

#### **Community Design Guidelines**

**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:** Removal of historic material is only permitted in cases of extreme decay that is beyond repair. Staff verified the degree of decay for the windows and determined that those on the south and east elevations were beyond reasonable repair, but that the windows under the cover at the southeast corner were in good condition and did not warrant replacement. The replacement windows will match the profile, pattern and closely-resemble the material of the original windows.

The new roll-up garage door will be compatible with the historic windows in terms of pattern and profile. It will occupy the original opening, and thus maintain the architectural character of the building.

The proposed sign is a compatible material, sized at an appropriate pedestrian scale and discreetly placed on the resource. The historic masonry will be repaired. *This quideline is therefore met.* 

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

- 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 Alphabet Historic District.

**Findings for 2 and 3:** The sign will be a compatible material, sized at a pedestrian scale and discreetly placed. The replacement window sashes will match the historic profile and pattern, are of a similar material, and thus are compatible with the historic character. The new garage door will replace a non-historic one, and integrate with the overall character by replicating the divided light appearance of adjacent windows, while maintaining the original opening. The historic masonry will be repaired.

In terms of compatibility with the original resource, neighboring properties and the historic district, the structure will retain its original setbacks, height, massing, materials, site coverage, design, and orientation to the street. Thus, there is no change to the existing compatibility. *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 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:

- Replacement of original windows on the Irving and 18th St. elevations with new aluminum clad windows that match the historic sash profile and pattern, original windows under cover at southeast corner will be retained, per Exhibit C-3;
- Replacement of the non-historic garage door with a new roll-up glass garage door that has aluminum clad windows and man-doors on both sides, per Exhibit C-3;
- New wood soffit over the vehicular drive-thru;
- Masonry restoration as needed to restore the brick facades;
- Replacement of non-original door with historic replica base & windows that match the historic sash profile and pattern, per Exhibit C-3; and
- New sign of 6" aluminum pin letters at entry elevation,

Approval per the approved site plans, Exhibits C-1 through C-3, signed and dated April 11, 2014 subject to the following condition:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-232226 HR. No field changes allowed."

Staff Planner: Jennifer Kenny

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Decision mailed: April 17, 2014

**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 November 26, 2013, and was determined to be complete on March 14, 2014. 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 November 26, 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. Unless further extended by the applicant, the 120 days will expire on: August 15, 2014.

#### 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 May 1, 2014** 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 <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

**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 775 Summer St NE, Suite 330, Salem, Oregon 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 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 May 2, 2014.
- 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:

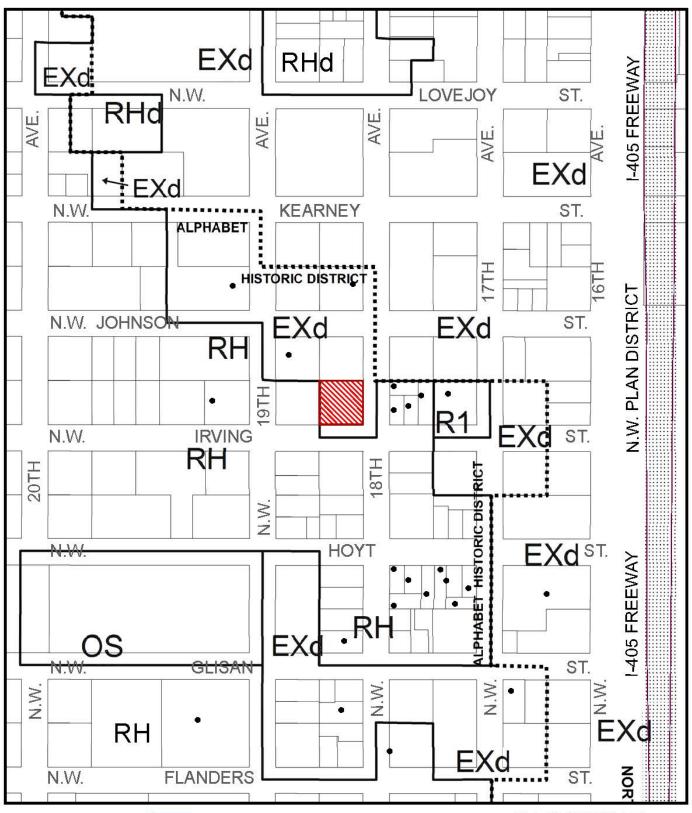
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations 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 (attached)
  - 3. Details (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: Life Safety Plans Examiner, March 27, 2014, no concerns.
- F. Correspondence: None received.
- G. 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



Historic Landmark



This site lies within the: ALPHABET HISTORIC DISTRICT NORTHWEST PLAN DISTRICT File No. LU 13-232226 HR

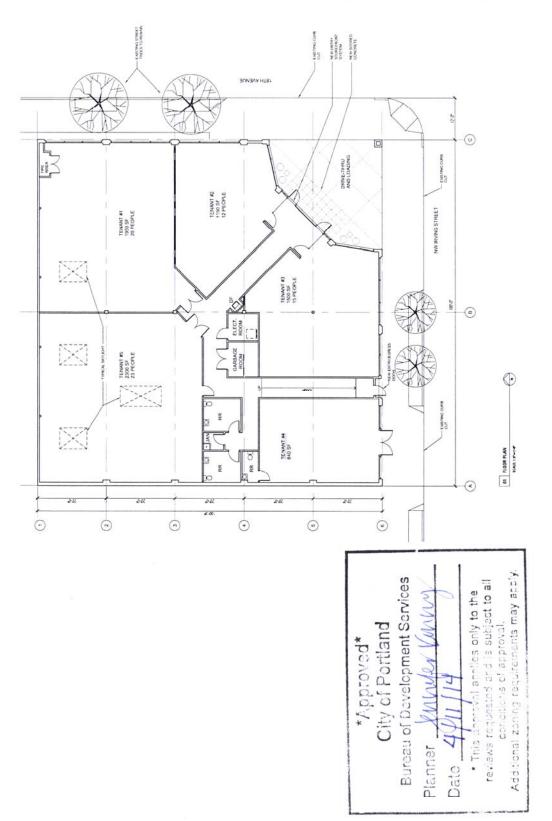
1/4 Section 2928

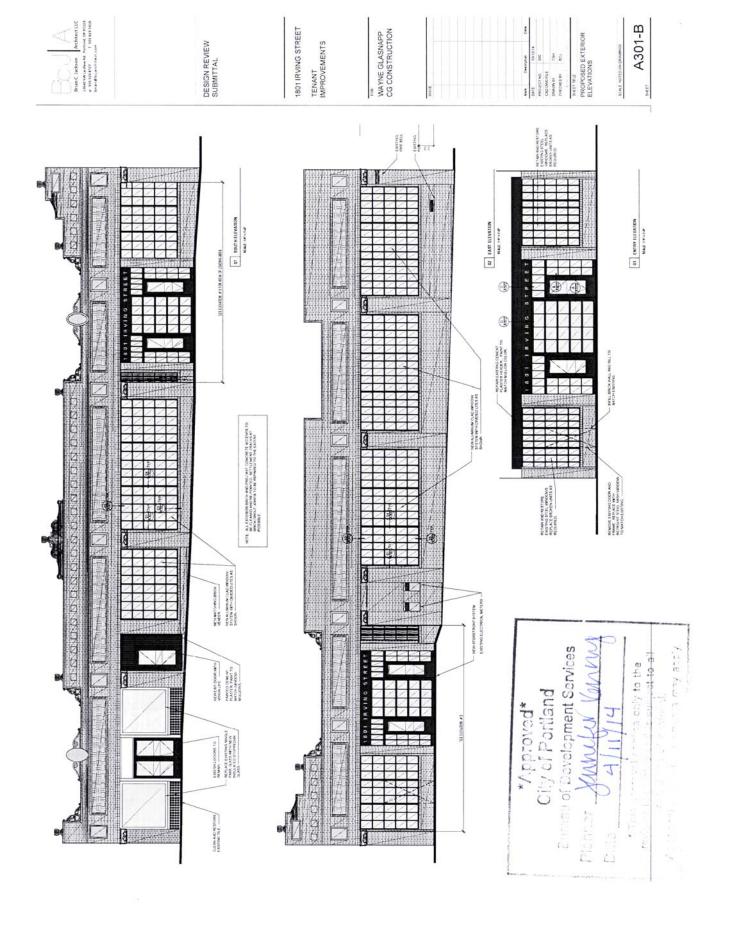
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Exhibit B (Dec 02,2013)







LU13-232226 HR EXHIBIT C-2

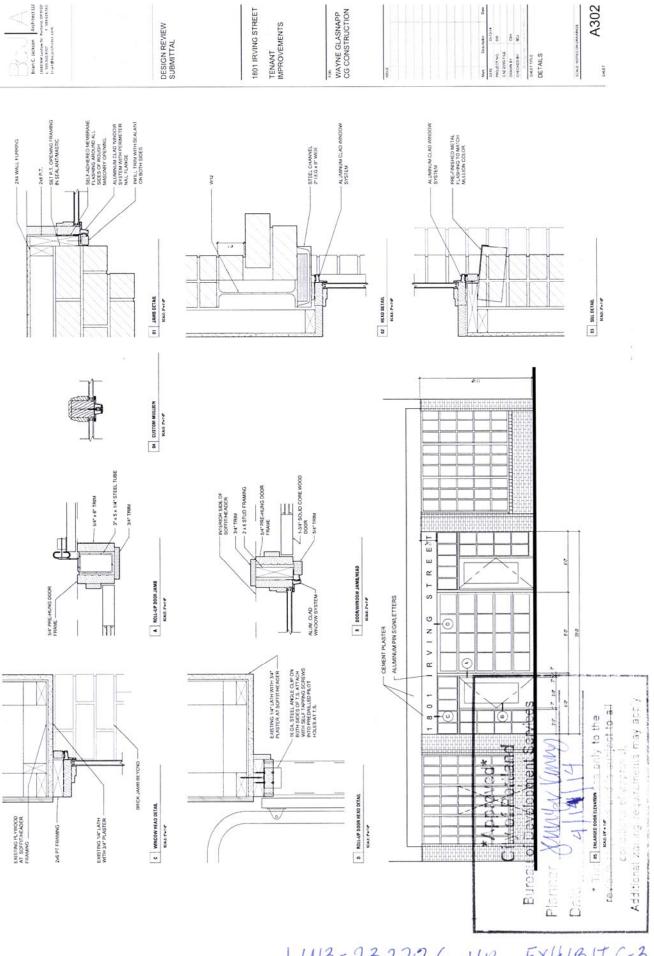


EXHIBIT C-3 LU13-232226 HR