



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: June 30, 2014
To: Interested Person
From: Jennifer Kenny, Land Use Services
503-823-7011 / Jennifer.Kenny@portlandoregon.gov

NOTICE OF A TYPE Ix 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 14 - 147746 HR – NEW DOOR

GENERAL INFORMATION

Applicant: Annabelle Lee, Orange Design LLC
3530 N Mississippi / Portland, OR 97227

Site Address: 831-837 SW 2ND AVENUE

Legal Description: EXC PT IN ST LOT 4 BLOCK 22, PORTLAND
Tax Account No.: R667703460
State ID No.: 1S1E03BA 04200 **Quarter Section:** 3129
Neighborhood: Portland Downtown, contact Jennifer Geske at 503-750-9843.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - Downtown
Other Designations: Contributing property in the Yamhill Historic District
Zoning: CXd, Central Commercial (CX) with a Design (d) Overlay
Case Type: HR, Historic Resource Review
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant seeks Historic Resource Review approval to add a 36" x 80" steel door that includes a small service window, at the rear elevation of a Contributing property within the Yamhill Historic District. Historic Resource Review is required for non-exempt exterior alterations within the 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:

- Central City Fundamental Design Guidelines
- Yamhill Historic District Design Guidelines

ANALYSIS

Site and Vicinity: The subject property was built in 1888 in the Italianate style, and is a Contributing property within the Yamhill Historic District. The site is a flat, rectangular, corner parcel of land with an existing 3-story mixed-use commercial building situated on the southeast section of the lot. It fronts SW 2nd Ave and SW Taylor St. Both streets are fully improved to City standards. The surrounding area is a highly developed and historic part of the downtown area. Adjacent lots are occupied by a diverse array of businesses, commercial

and residential structures. Typically, the buildings are more architecturally prominent than development outside this central city area.

Zoning: The CX zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together.

The "d" overlay promotes the conservation and enhancement of areas of the city with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review.

The Central City Plan District implements the Central City Plan and other plans applicable to the Central City area. The district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area.

Land Use History: City records indicate the following prior land use reviews for this site:

- HL 54-85: Approval of a storefront remodel.
- MP 36-90: Approval of a 2-lot partition.
- LUR 94-00058 DZ: Approval of a Design Review for removal of a window to be replaced with a door.
- LUR 94-00711 DZ: Proposal to remodel. Case was voided.
- LU 05-135079 HDZ: Approval of vents.
- LU 08-102198 LDP: Approval to divide the lot.

Agency Review: David Jones, a Life Safety Plans Examiner, submitted a comment on May 30th stating that a building permit is required.

Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on **May 12, 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

ZONING CODE SECTION 33.846.060

F. Approval criteria in the Central City plan district. In the Central City plan district, requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met.

Findings: The subject site is a Contributing property within the Yamhill Historic District and located within the Downtown Sub-district of the Central City Plan District. Therefore, it is subject to the Yamhill Historic District Guidelines and the Central City Fundamental Design Guidelines.

Staff has only addressed those guidelines considered applicable to this project.

Yamhill Historic District Guidelines

The Yamhill Historic District is a unique asset to Portland and has been recognized nationally by its placement on the National Register of Historic Places. There are certain procedures and regulations the City has adopted for the protection and enhancement of the Yamhill Historic District.

General Considerations

B. Rehabilitation work should not destroy the distinguishing qualities or character of the property and its environment. The removal or alteration of any historic material and architectural features should be held to the minimum, consistent with the proposed use.

F. All buildings should be recognized as products of their own time. Alterations to create an appearance inconsistent with the actual character of the building should be discouraged.

H. Whenever possible, new additions or alterations to buildings should be done in such a manner that if they were to be removed in the future, the essential form and integrity of the original building would be unimpaired.

Findings for B, F, and H: The new door will be placed at the rear of the property and will not alter the distinguishing historic features of the front and side facades. A small amount of the historic brick rear wall will be replaced with the door, but the overall character and historic materials will not be affected.

The building will remain a product of its time because the historic character of the ornate primary façade will not be altered, and the historic brick rear wall will be minimally affected. The new door will be consistent with the character of the building by using a design and materials that are appropriate for the building's era and architecture. The metal door will be painted to match the existing conditions and thereby maintain the character of the building.

The unobtrusive placement of the door at the rear, and its relatively small size, ensure that were it to be removed, the essential form, architectural features and overall character of the resource would be unaltered. *These guidelines are therefore met.*

General Guidelines – Alterations and Additions to Historic Landmarks, Potential Landmarks and Other Compatible Buildings

G.2. Storefronts, Doors and Windows. The shape, size, placement and trim of storefront openings are a key element in establishing the character of the building.

I. Color. The colors used in alterations or additions within the district shall be visually compatible with the traditional architectural character of the historic buildings within the area.

Findings for G2 and I: Because the door will be at the rear, the historic character of the primary façade will remain intact. With the condition that the door will be painted to match the historic brick wall, it will be compatible with the architectural character of the building and of the district. *With the condition that the door be painted to match the historic brick wall, these guidelines are met.*

Central City Plan Fundamental Design Guidelines: These guidelines provide the constitutional framework for all projects in the Central City. The guidelines are based on the following goals and objectives:

- Encourage urban design excellence in the Central City.
- Integrate urban design and preservation of our heritage into the process of Central City development.
- Enhance the character of Portland's Central City districts.
- Promote the development of diversity and areas of special character within the Central City.
- Establish an urban design relationship between the Central City districts and the Central City as a whole.
- Provide for a pleasant, rich and diverse pedestrian experience in the Central City.
- Provide for the humanization of the Central City through promotion of the arts.
- Assist in creating a 24-hour Central City which is safe, humane and prosperous.
- Assure that new development is at a human scale and that it relates to the character and scale of the area and the Central City.

The Fundamental Design Guidelines focus on three general categories: **(A) “Portland Personality”** which establishes Portland's urban design framework; **(B) “Pedestrian Emphasis”** which states that Portland is a city for people as well as cars and other movement systems; and **(C) “Project Design”** which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

A5. Enhance, Embellish and Identify Areas: Enhance the identity of Special Districts by incorporating small scale features that add to the district's identity and ambiance. Embellish with elements that build district character and respect district traditions

C2. Promote Permanence and Quality in Development: Use building materials and design features that promote permanence, quality and delight.

C3. Respect Architectural Integrity: Exterior modification of an existing structure should respect the original character of the building. Additions to existing buildings are encouraged to be compatible in size, scale, color, material and character with the existing building.

Findings for A5, C2 and C3: The new rear door will be metal, which is a historically compatible material for the subject property and the district. The design and color of the door will maintain the historic identity and ambiance of the district by mimicking traditional rear service doors, as seen in other nearby properties.

The door will be steel, which is a high quality building material that has long been used in the district. The door will maintain the architectural identity of the building by using a historically compatible material, design, size and color. The new door will be located at the rear of the property and will not affect the ornate historic features on the primary façade. *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.

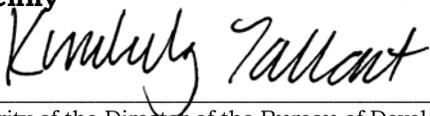
ADMINISTRATIVE DECISION

Approval of a new opening and 36" x 80" steel door with a small service window at the rear elevation of a Contributing property in the Yamhill Historic District, per the approved site plans, Exhibits C-1 through C-2, signed and dated June 24, 2014, subject to the following conditions:

A. As part of the building permit application submittal, the following development-related condition (B) 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 14-147746 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. Door will be painted to match the historic brick wall.

Staff Planner: Jennifer Kenny

Decision rendered by:  **on June 24, 2014.**

By authority of the Director of the Bureau of Development Services

Decision mailed June 30, 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 April 24, 2014, and was determined to be complete on May 6, 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 April 24, 2014. *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: September 2, 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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

Recording the final decision. If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **June 30, 2014.**

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:

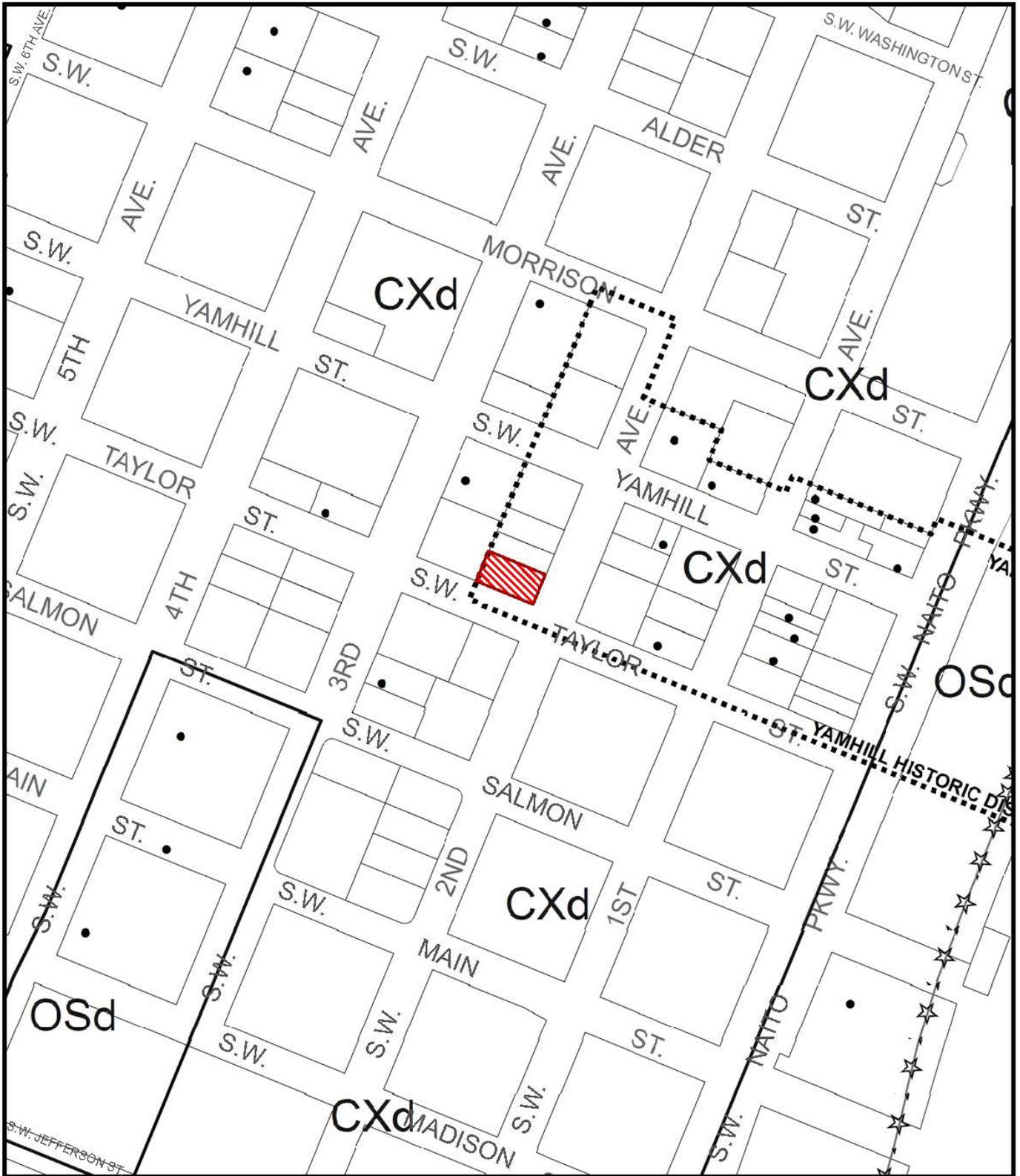
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations 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/Details (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: David Jones, a Life Safety Plans Examiner, May 30th, building permit is required.
- F. Correspondence: No written responses received
- 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



NORTH

This site lies within the:
CENTRAL CITY PLAN DISTRICT
DOWNTOWN SUBDISTRICT
YAMHILL HISTORIC DISTRICT

File No. LU 14-147746 HR

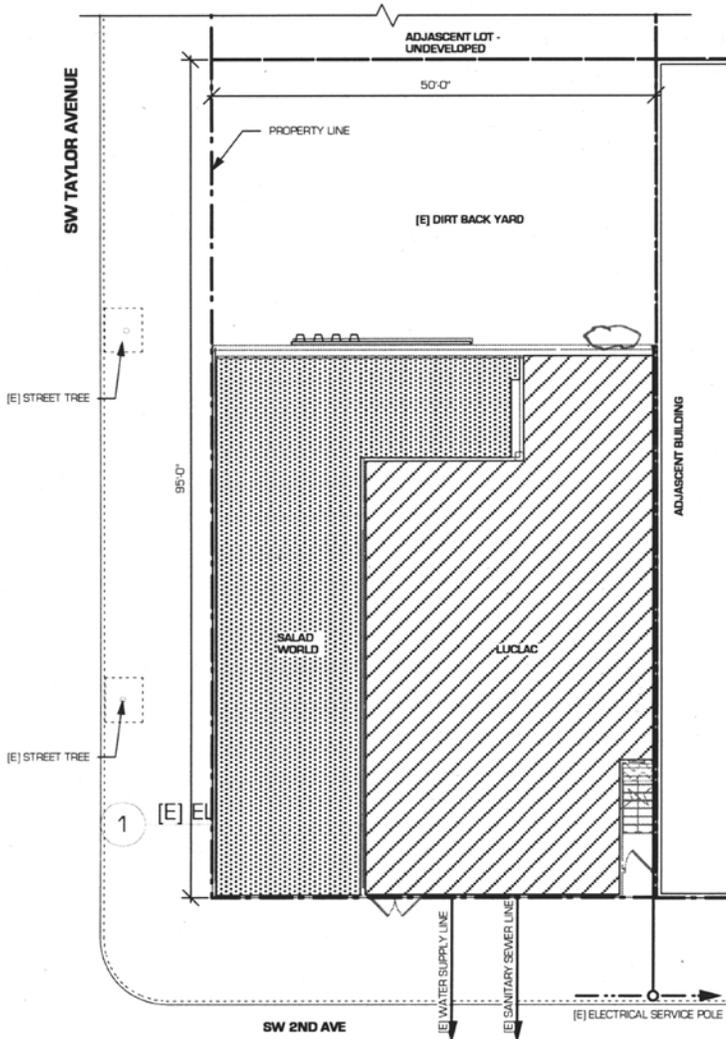
1/4 Section 3129

Scale 1 inch = 200 feet

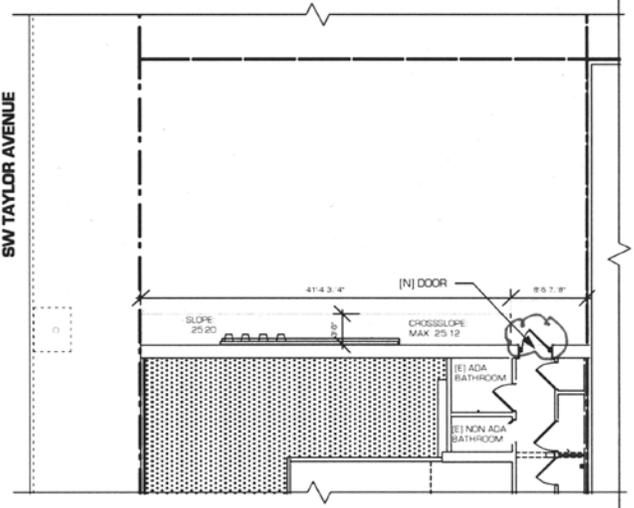
State_Id 1S1E03BA 4200

Exhibit B (Apr 29, 2014)

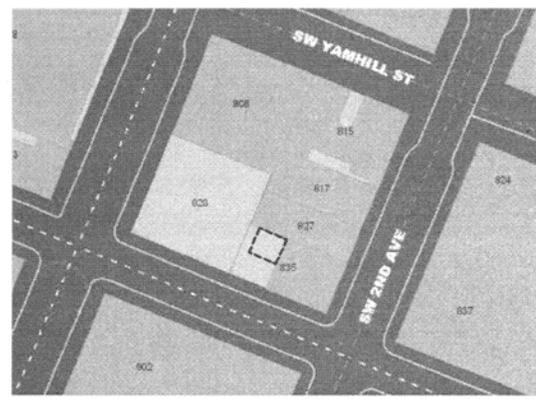
Approved
 City of Portland - Bureau of Development Services
 Planner Jennifer Kenny Date 6/24/14
 This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



1 [E] SITE PLAN

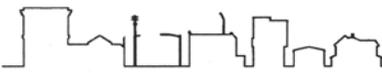


2 PROPOSED SITE PLAN



3 LOCATION OF WORK

☉ = AREA OF WORK



orange

LU14-147746 HR EXHIBIT C-1

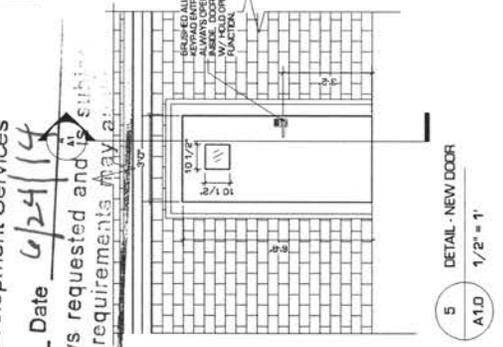
Approved
 City of Portland - Bureau of Development Services

Planner *Jennifer Curry* Date *6/24/14*

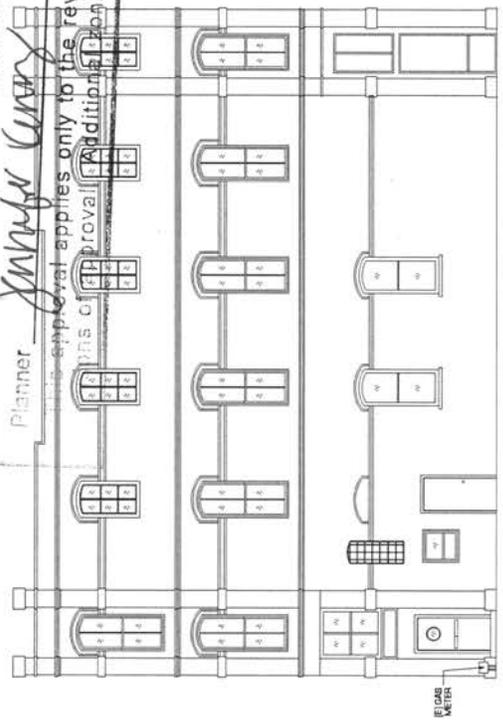
THIS approval applies only to the reviews requested and is subject to additional zoning requirements. May 2014

LUCIAC
ORANGE
 POB 42015
 PORTLAND, OR
 503.314.3258
 CDD 175485

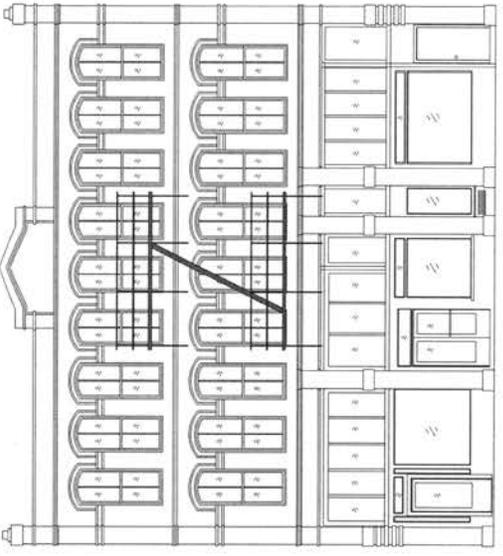
DESIGNED ALLOWABLE
 ALWAYS OPEN FROM THE
 INTERIOR WITH
 W/ HOLD OPEN
 FUNCTION



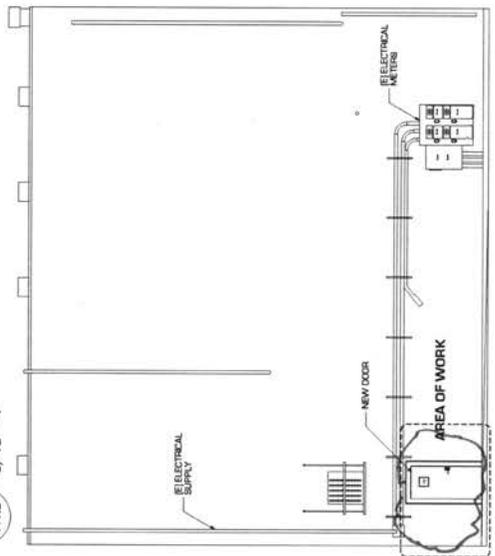
5 DETAIL - NEW DOOR
 A1.D 1/2" = 1"



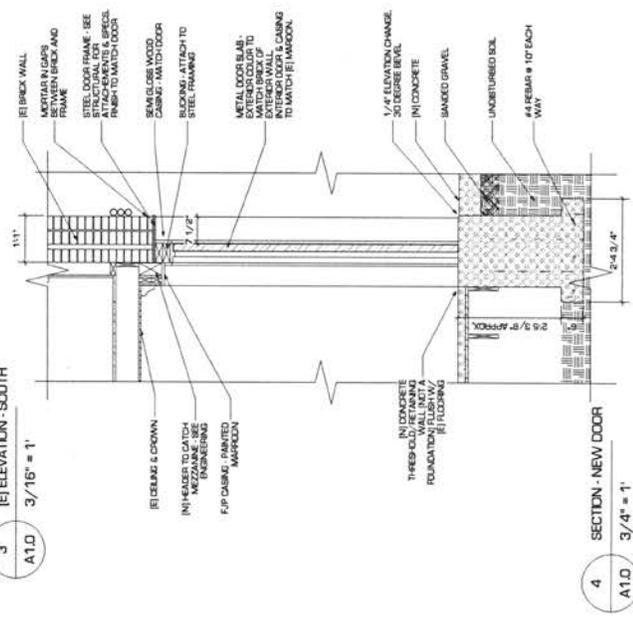
3 ELEVATION - SOUTH
 A1.D 3/16" = 1"



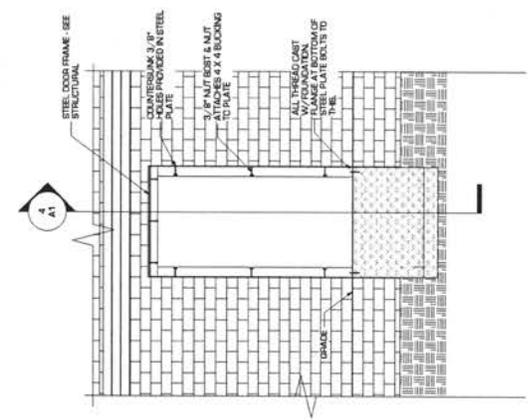
1 ELEVATION - WEST
 A1.D 3/16" = 1"



2 ELEVATION - EAST
 A1.D 3/16" = 1"



4 SECTION - NEW DOOR
 A1.D 3/4" = 1"



6 DETAIL - NEW DOOR FRAMING
 A1.D 1/2" = 1"

LUCIAC
 835 SE 2ND AVENUE PORTLAND, OR
 DATE: PRINTING 04/22/14
 REVIEW: 04/24/14
 DRAWN: [Name]
 CHECKED: [Name]
 PROJECT NO: [Number]
 SHEET NO: [Number]
 ELEVATIONS NEW DOOR
 DETAILS & SECTION

A1.0

AREA OF WORK

LU 14-147746 HR EXHIBIT C-2