



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

FROM CONCEPT TO CONSTRUCTION

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Date: March 24, 2015
To: Interested Person
From: Benjamin Nielsen, Land Use Services
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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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 14-254084 HR — EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Lambeth Printing Company Inc.
PO Box 99 / Fairview, OR 97024-0099

**Applicant/
Representative:** Dave Spitzer / DMS Architects Inc.
2325 NE 19th Ave / Portland, OR 97212

Site Address: 8103-8107 N DENVER AVE

Legal Description: Kenton Addition, Block 23, Lots 22 & 23
Tax Account No.: R445910990
State ID No.: 1N1E09DB 08500
Quarter Section: 2228
Neighborhood: Kenton, contact Steve Rupert at 503-317-6573.
Business District: Kenton Business Association, contact Jessie Burke at 971-404-9673.
District Coalition: North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

Plan District: Kenton Plan District
Other Designations: Kenton Commercial Historic District
Zoning: CSd – Storefront Commercial with Design 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 for exterior alterations to the building located at 8103-8107 N Denver Avenue. This review is required for exterior alterations in an historic district (*Chapter 33.445.320.A.1*).

The building is a single-story building with concrete exterior walls with stucco coat. It has seen numerous alterations since it was originally built in 1922, and it is currently considered an historic noncontributing building in the historic district. It houses commercial uses with one storefront facing N Denver Avenue and another facing N Schofield Street. These two storefronts are separated along N Schofield by three bays of three windows. Vinyl slider windows lie on either side of each bay and a fixed, 4x3-light fixed window lies in the middle. The facades facing N Denver Avenue and N Schofield Street are capped by a stepped parapet which has Art Deco ornamentation and metal coping.

The proposed alteration is to add a new exterior, in-swinging steel door with two leaves under the western slider window in the middle bay along N Schofield Street. The existing window and all other exterior elements will remain.

Relevant Approval Criteria:

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

- 33.846.060.G – Historic Reviews: Other approval criteria

ANALYSIS

Site and Vicinity: The subject site lies in the Kenton Commercial Historic District [*and Kenton Pedestrian District*] at the northwest corner of the intersection of N Denver Avenue [*Community Main Street, Transit Access Street, Major Emergency Response Street, City Bikeway*] and N Schofield Street [*Major Emergency Response Street, Local Service Bikeway*]. The district spans a four block stretch of N Denver Avenue from N Willis Boulevard at the north end to N Watts Street at the southern end and is focused primarily on the buildings fronting N Denver Avenue—the commercial heart of the Kenton neighborhood. The storefront commercial architecture of the district exemplifies main street development in the early 1900s. The district is characterized by one- to three-story, pedestrian-oriented buildings. The architectural style of the primary development period is mainly represented by the Streetcar Era Commercial style; some structures are designed in the Mission, Egyptian Revival, and 20th Century Commercial styles. Though many of the individual properties have been altered—the preponderance of alterations occurring between the late 1950s and 1970s when many storefronts were obscured or concealed—the architectural significance of the district lies in the concentration of concrete block Streetcar Era Commercial architecture and the grouping of storefront properties.

The subject site itself is an historic noncontributing Streetcar Era Commercial one-story structure designed by architect E. E. McClaran—one of two buildings he designed in the district. The building has a wood frame and a flat roof with a stepped parapet, characterized by Art Deco ornamentation and metal coping, around the southeast corner. The surface of the exterior walls is stucco. The building originally housed a garage (and was called the Kenton Garage). In 1933, it became the Blue Ribbon Market, and by 1940, the market had become a grill and tavern in addition to a butcher and market. Extensive alterations during the middle of the 20th century damaged the building's historic integrity, particularly the removal and covering of the original entries and windows. More recently, current building owner Lambeth Printing installed new vinyl clerestory windows described above along N Schofield Street; and with the current revival of the neighborhood, new commercial storefront glazing was added back to the corner the building at Schofield and Denver and extending north along N Denver Avenue, bringing back some of the building's historic character.

Zoning:

The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominately built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The “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. 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. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

Land Use History: City records indicate that prior land use reviews include the following:

- LU 10-178729 EA: Early assistance for a proposed storefront improvement at 8107 NE Denver Ave.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **February 3, 2015**. The following Bureaus have responded with comments about the proposal:

- Life Safety Section of BDS responded with general life safety comments. These may be read in detail in Exhibit E-1.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 3, 2015**. 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 Kenton Commercial Historic District and the proposal is for a non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are those listed in 33.846.060 G – *Other Approval Criteria*.

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

33.846.060 G - Other Approval Criteria

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

Findings for 1, 2 & 9: The proposed steel doors will be placed directly under one of the existing window bays along N Schofield Street. Further, past building permits show that doors leading into the building had previously been located along this frontage, though not in this particular configuration or location. Since the building has already undergone several renovations which have caused it to be a noncontributing structure within the historic district, it is unlikely that historic materials, features, or spaces of historic significance will be altered or removed.

Therefore, these guidelines are met.

- 4. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings: The existing stucco on the exterior façade will not be removed, except to install the proposed door. Any stucco that is damaged during the installation process will be repaired. No other historic materials will be impacted.

Therefore, this guideline is met.

- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

Findings for 7 & 8: The proposed steel doors will be placed underneath and aligned with a bay of non-historic, flange-mounted vinyl windows sized to match the width of the window bay. The proposed doors will be painted to match the existing façade, but will not have any imitation historical detailing.

Therefore, these guidelines are met.

- 10. 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.

Findings: The subject building is a noncontributing building within the Kenton Commercial Historic District; its current exterior design does not entirely reflect its

original historic condition. However, the addition and location of the proposed steel doors is consistent with the character of neighboring properties and the design of the predominating Streetcar Era Commercial buildings in the Kenton Commercial Historic District.

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 installation of the proposed door, which will sit in line with an existing vinyl window bay above, will have a negligible impact on this currently noncontributing historic structure and is appropriate considering the past design and use of the building.

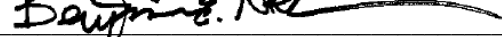
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a new pair of in-swinging steel doors, painted to match the building and underneath and aligned with an existing vinyl window bay, in the Kenton Commercial Historic District per the approved plans, Exhibits C-1 through C-4, signed and dated 03/18/2015:

- 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 14-254084 HR."

Staff Planner: Benjamin Nielsen

Decision rendered by:  **on March 18, 2015.**

By authority of the Director of the Bureau of Development Services

Decision mailed March 24, 2015.

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 December 29, 2014, and was determined to be complete on January 28, 2015.

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 December 29, 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: May 28, 2015.**

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 **March 24, 2015.** 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:

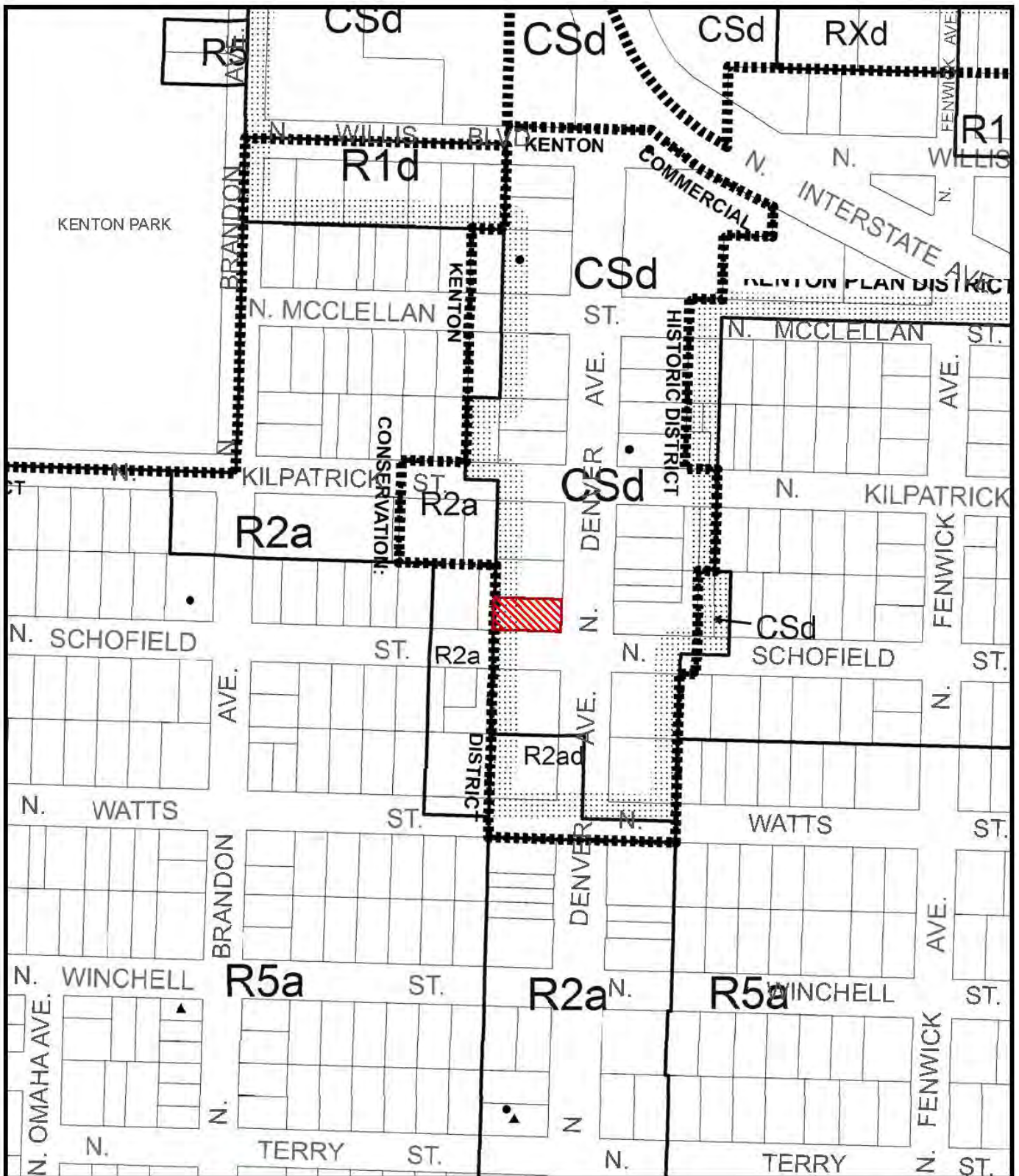
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Building Plan, Detail Plan, South Elevation, and Section (attached)
 - 3. Section Detail at Door Head
 - 4. South Elevation Photo with Proposed Door
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Section of BDS
- F. Correspondence:
 - *No correspondence was received.
- G. Other:
 - 1. Original LU application
 - 2. Incomplete Application Letter

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



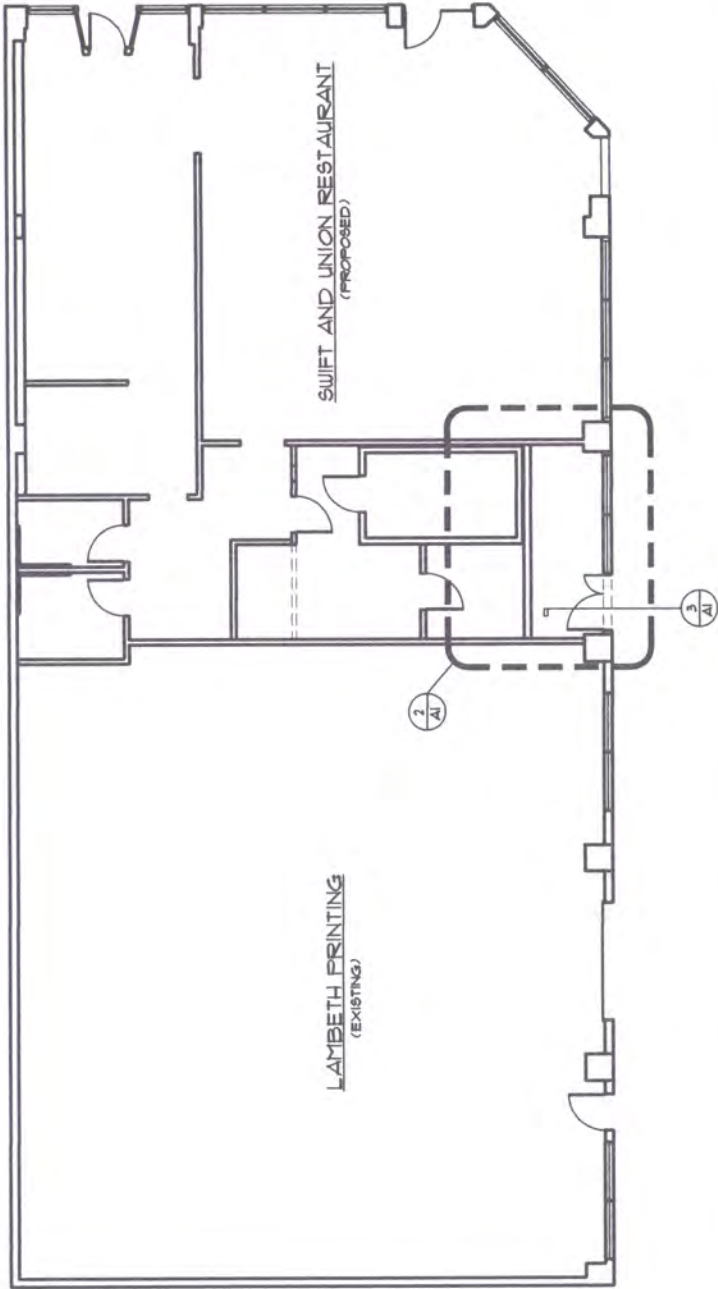
ZONING

-  Site
-  Historic Landmark
-  Conservation Landmark



This site lies within the:
KENTON PLAN DISTRICT
KENTON COMMERCIAL HISTORIC DISTRICT

File No. LU 14-254084 HR
 1/4 Section 2228
 Scale 1 inch = 200 feet
 State_Id 1N1E09DB 8500
 Exhibit B (Dec 30, 2014)



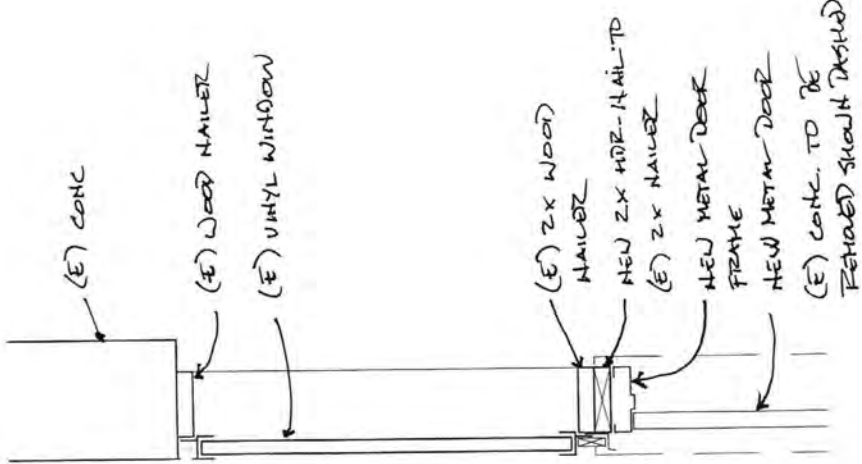
N. SCHOFIELD

OVERALL BUILDING PLAN

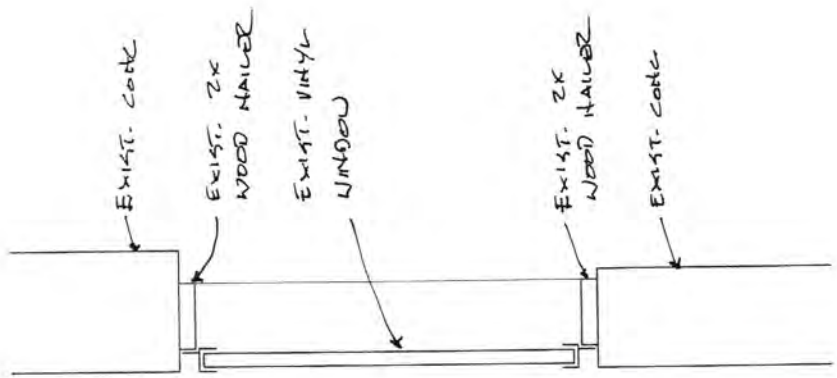


LV 14 - 254084 Htr

EXHIBIT C-1



Proposed



EXISTING

LU 14-254084 HR

EXHIBIT C-3



PROPOSED DOOR
ON SOUTH ELEVATION

LU 14 - 2 5 4 0 8 4 HR

EXHIBIT C-4