



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

Dan Saltzman, Commissioner
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Date: February 22, 2016
To: Interested Person
From: Jeff Mitchem, Land Use Services
 503-823-7011 / jeffrey.mitchem@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 mailed copy of this document is only a summary of the decision. 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 15-279478 HR
ALTERATIONS TO CONTRIBUTING RESOURCE

GENERAL INFORMATION

Applicant: Todd Lasher | Todd Lasher Architect
 5632 N Atlantic Ave
 Portland, OR 97217

Owner: Zachary Levow & Holly Levow
 2238 SE 12th Ave
 Camas, Wa 98607-2282

Site Address: 919 NW 23RD AVE

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 nobhillportland@gmail.com.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest
Zoning: CS, Storefront Commercial
Case Type: HR, Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:
 The Applicant proposes the following alterations
 Rear Elevation (west):

- removal of two ground floor windows,
- addition of a Marvin wood sliding patio door,

- removal of rear deck,
- installation of a new concrete patio in place of the deck and

Roof / South Side Yard:

- HVAC equipment will be relocated from the roof to the south side.
- new ADA ramps and railings on the north and south side yards.

Front Elevation (east):

- removal of non-original second floor deck trellis
- installation of hip roof with bead board ceiling
- new security gate/fence at south and north side yards
- surface mounted lights on ceiling of new roof and on roof of first level front porch

Historic Resource Review is required because the proposal is for exterior alterations within 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: LU13-149158 HR, Approval of exterior alterations; LU03-102094 HDZ, Approval of exterior alterations. Illustrations describing these alterations are contained herein as Exhibit A.3.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed **January 12, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Life Safety
- Bureau of Transportation Engineering

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **January 12, 2016**. 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: The proposed work will, in part, remedy previously installed un-permitted alterations and deviations from land-use approval LU03-102094 HDZ. Specifically, this proposal will remove a non-period pergola over a second level porch on the street-facing façade and replace it with a hip roof and simple columns more in keeping with design themes characteristic of similar buildings in the Historic Alphabet District. The slope of the new hip roof will match that of an existing hip roof on the rear elevation.

The additional changes sought in this application – wood casement windows in the front-facing gable, rear-facing patio and sliding patio doors, LED path lighting and ADA ramp railing – are compatible and/or not visible from the street and do not significantly affect historic materials or character, or any earlier alterations that have acquired significance. Therefore, they will not have any adverse effect on the character of the building, its neighbors, or the historic district.

Window and door cutsheets submitted with the application (Exhibit A.2) specify all wood Marvin window and door products of a style in keeping with the character, style and proportion of those elsewhere on the building. Likewise, lighting cutsheets submitted with the application specify period-appropriate fixtures – Craftsman Wall Sconces (Rejuvenation) and Schoolhouse Electric Northwestern Porch light. TimberTech LED accent lighting is proposed to illuminate the ADA ramp on the north side of the building concealed from public view. Also concealed from public view, the mini-split HVAC equipment will be located adjacent to the south elevation approximately 3'-6" from the property line. Both the ADA ramp (north elevation) and the HVAC equipment (south elevation) will be screened from view by black steel fencing composed of pickets and screen panels.

Therefore, 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.

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.

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.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

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: As described in the preceding findings, the newly proposed alterations incrementally rectify damage to the character of the Alphabet Historic District through un-permitted alterations and deviations from previous land use reviews. The newly proposed alterations incorporate site and building design features that reinforce Alphabet's historic significance and plan area character through the use of compatible form and proportion, appropriate high-quality materials and sensitive design character.

Therefore, this guideline is met.

D1. Outdoor Areas. When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

D3. Landscape Features. Enhance site and building design through appropriate placement, scale, and variety of landscape features.

Findings: The alterations to outdoor areas are limited to the side and rear of the structure and though not visible from the street, and are well designed and more accessible than the existing condition. Pursuant to Bureau of Environmental Services comments, the approved design limits the amount of additional impervious surface material in the rear courtyard. The landscape design strikes a harmonious balance between passive gathering space and pervious landscape, and, as such, is a significant enhancement to the site's overall livability as a multi-use structure.

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

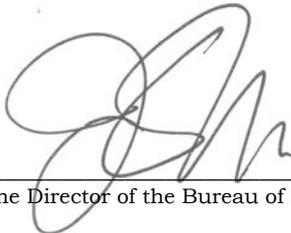
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants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

ADMINISTRATIVE DECISION

Approval of exterior alterations to the rear elevation (west), the roof / south side yard and the front elevation (east), per the approved site plans, Exhibits C-1 through C-14, signed and dated February 18, 2016, 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-C.14. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-279478 HR. No field changes allowed."

Staff Planner: Jeff Mitchem



Decision rendered by: _____ **on February 18, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed: February 22, 2016

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 18, 2015, and was determined to be complete on January 7, 2016.

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 18, 2015.

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 11, 2016.**

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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 7, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 Design 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 Design 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 **March 8, 2016**
- 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:

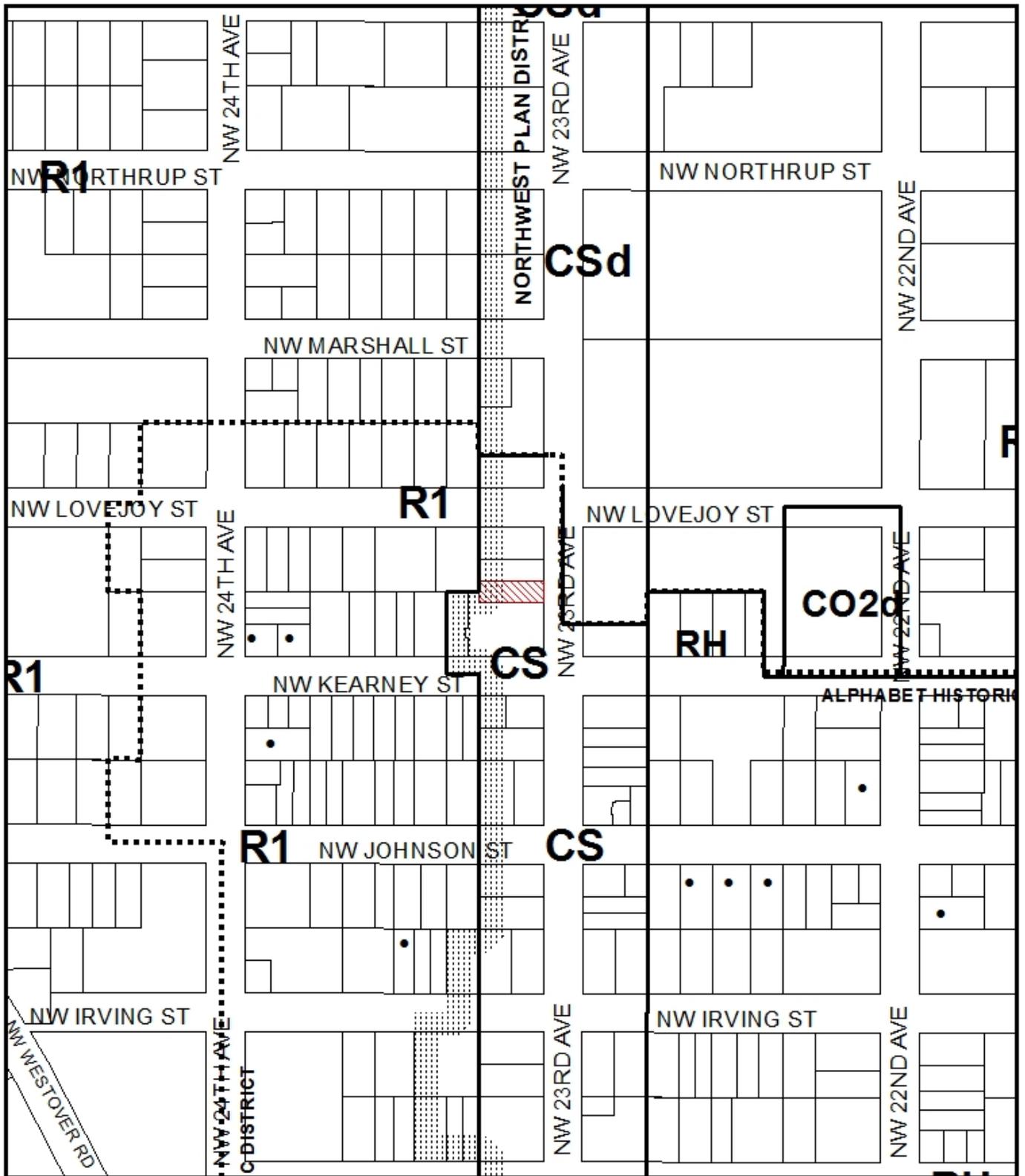
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative
 - 2. Manufactures Cutsheets
 - 3. Previous Land Use Review Drawings
 - 4. LUR 13-149158 HR Decision
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Design Review Drawing Set (Sheet C.1-C.14)
 - Sheet C.4, Site Plan (attached)
 - Sheet C.5, Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Life-Safety Review Section of BDS
 - 4. Bureau of Transportation Engineering and Development Review
- 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:
 NORTHWEST PLAN DISTRICT
 ALPHABET HISTORIC DISTRICT



File No. LU 15-279478 HR
 1/4 Section 2927
 Scale 1 inch = 200 feet
 State_Id 1N1E33BC 11900
 Exhibit B (Dec 23, 2015)

HISTORIC LAND USE REVIEW

5633 N Atlantic Ave
Portland, OR 97217
P 503 298 9900
F 503 298 5594
TODDASHDESIGN.COM
tashdesign@gmail.com

919 NW 23RD
919 NW 23rd Ave
Portland, OR 97210

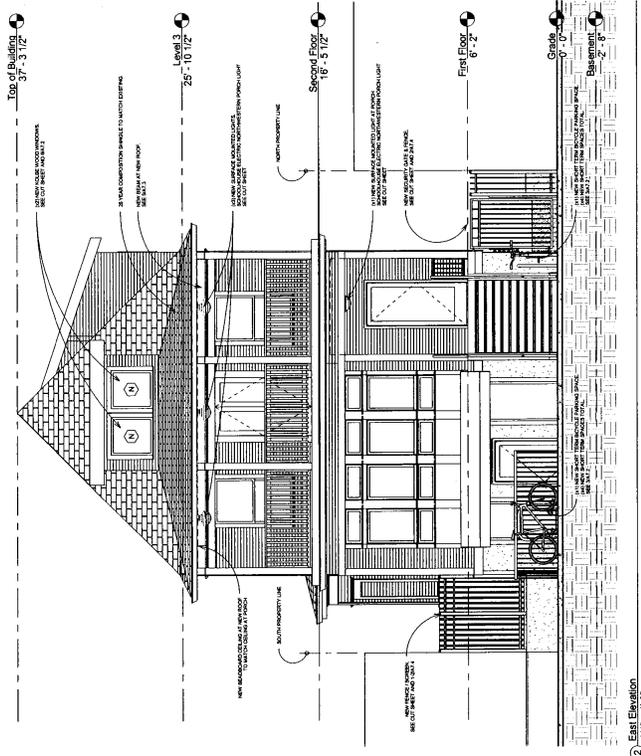
East Elevation -
East Elevation
Date Drawn: 18 Dec 2015
Revised:

ELEVATION

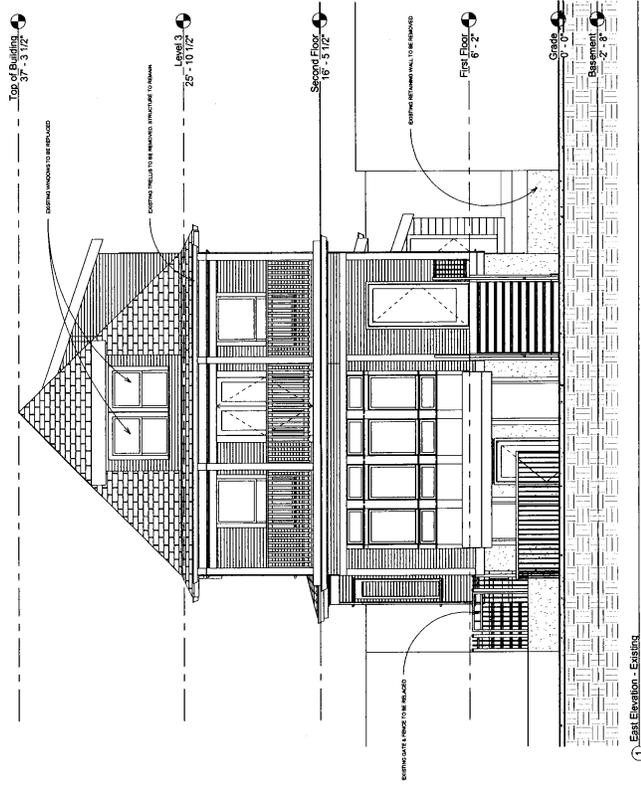
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5-C

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



② East Elevation
1/4" = 1'-0"



① East Elevation - Existing
1/4" = 1'-0"

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