



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

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Date: July 26, 2017
To: Interested Person
From: Mike Gushard, 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 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 17-175205 HR – EXTEND AN EXISTING ELEVATOR OVERRUN

Applicant: Dan Koch, Allied Works Architecture Inc
1532 SW Morrison St #3000
Portland OR 97205
(503) 227-1737

Robert A Sacks,
Ann G Sacks,
1532 SW Morrison St #A
Portland, OR 97205-1942

Site Address: 2281 NW GLISAN ST

Legal Description: GENERAL COMMON ELEMENTS, GLISAN STREET CONDOMINIUMS; LOT P-1 PARKING UNIT, GLISAN STREET CONDOMINIUMS; LOT 1, GLISAN STREET CONDOMINIUMS; LOT 2, GLISAN STREET CONDOMINIUMS; LOT 3, GLISAN STREET CONDOMINIUMS; LOT 4, GLISAN STREET CONDOMINIUMS

Tax Account No.: R328400010, R328400250, R328400050, R328400100, R328400150, R328400200, R328400010

State ID No.: 1N1E33CB 80000, 1N1E33CB 80005, 1N1E33CB 80001, 1N1E33CB 80002, 1N1E33CB 80003, 1N1E33CB 80004, 1N1E33CB 80000

Quarter Section: 3027

Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Nob Hill at nobhillportland@gmail.com.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest
Other Designations: Non-contributing Resource – Alphabet Historic District

Zoning: CS – Storefront Commercial Zone
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 subject property was damaged in an explosion on October 19, 2016, and is currently being rebuilt as it was before the blast. The proposal under review would alter the original plan to allow an elevator overrun to extend to 57'. This height is 5' above the roof of the 5th floor and 12' higher than the original elevator overrun for the building. The elevator overrun would be clad in the same metal panel system as the rest of the building. This project requires historic resource review because it is a non-exempt activity in the Alphabet 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:

- Historic Alphabet Community Design Guidelines Addendum
- Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject property is the Ann Sacks House constructed in 2000. The 14,000sf structure incorporates office and retail spaces on the lower three floors with a multi-level private residence in garden in the top floor. Its large expanse of windows are screened by wire mesh to create a coherent composition and provide privacy. The design also makes use of NW Portland's street trees for this purpose. The building is a well known work by the architecture firm Allied Works and has been published widely and recognized internationally. The design won the AIA Portland Chapter 2001 Honor award for Design.

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 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 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:

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **June 5, 2017**. The following Bureaus have responded with no issues or concerns about the proposal:

- Water Bureau
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **June 5, 2017**. 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 Guidelines 1-3: The building is a non-contributing building in a historic district. The building has not achieved historic significance since its construction in 2000. Differentiation between the proposed elevator extension and the rest of the building would not support the historic preservation of the district and would not follow Community Design Guideline D6 (Architectural Integrity). The proposed extension is clad in the same metal panel as the lower portions of the building ensuring that it will be architecturally compatible with the original building. *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.

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 for P2, D6, D7 and D8: With the exception of views from NW Hoyt Street, the extended elevator overrun will be largely invisible. The impact to the Hoyt Street view is not enough to significantly impact the integrity of the Alphabet Historic District. The new element is tied into the original design of the building with its metal cladding and by maintaining the original proportions of the original overrun. These gestures also ensure that the new feature maintains the interest, quality, and composition of the original, award winning design of the building. *Therefore, these criteria are 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 because the project is so small it does not significantly impact the historic district. Therefore, it warrants approval.

ADMINISTRATIVE DECISION

Approval of extension of an elevator overrun on a non-historic building per the approved site plans, Exhibits C-1 through C-7, signed and dated July 5, 2017, subject to the following conditions:

Use conditions A. through C. below for all DZ and HR decisions and use A. for other LUR decisions with additional planner/agency required conditions.

- A. As part of the building permit application submittal, the following development-related conditions (B through XX) 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 17-175205 HR ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Mike Gushard

Decision rendered by:  **on (July 5, 2017)**
By authority of the Director of the Bureau of Development Services

Decision mailed July 26, 2017

About this Decision. This land use decision is **not a permit** for development. A Final Plat must be completed and recorded before the proposed lots can be sold or developed. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on May 22, 2017, and was determined to be complete on May 25, 2017.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on May 22, 2017.

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 22, 2017**

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after July 27, 2017 by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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:

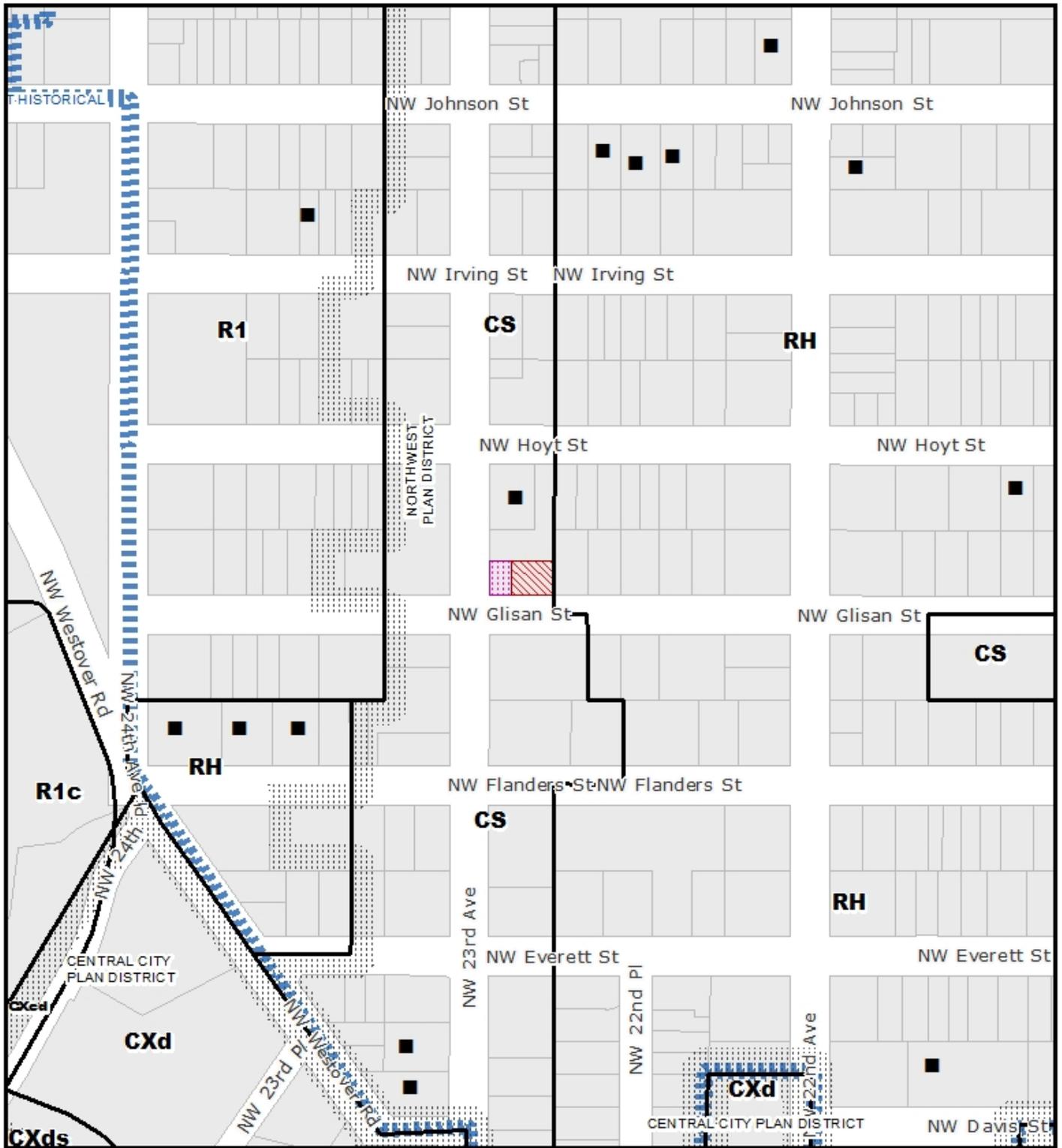
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Description
 - 2. Pre-explosion photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Site Map and Project Summary
 - 3. Floor Plan
 - 4. Roof Plan
 - 5. South Elevation
 - 6. East Elevation
 - 7. West Elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Fire Bureau
 - 3. TRACS Printout
- F. Correspondence: (None 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

NORTH

THIS SITE LIES WITHIN THE:
 NORTHWEST PLAN DISTRICT
 ALPHABET HISTORIC DISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark

File No.	LU 17-175205 HR
1/4 Section	3027
Scale	1 inch = 200 feet
State ID	1N1E33CB 80000
Exhibit	B May 25, 2017

