



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: July 1, 2019
To: Interested Person
From: Hannah Bryant, Land Use Services
503-823-5353 / Hannah.Bryant@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has 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 19-143307 HR - NEW ENTRY DOOR IN CONTRIBUTING HISTORIC BUILDING

GENERAL INFORMATION

Applicant: Paul Ries | Aha! An Architecture And Design Company LLC
15420 SE 82nd Ave, Clakamas, OR 97015

Building Owner: Pavtak Partnership
Po Box 636, Grants Pass, OR 97528

Business Owner: Kurt Goddard | Twisted Croissant
4705 SW 45th Ave, Portland, OR 97221

Site Address: **2121 NE BROADWAY**

Legal Description: BLOCK 10 LOT 6 EXC PT IN ST, JOHN IRVINGS 1ST ADD
Tax Account No.: R430302790
State ID No.: 1N1E26DD 08400
Quarter Section: 2832
Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: Northeast Broadway Business Association, contact Michael Chronister at 503-288-1500.
District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.
Plan District: None
Other Designations: Contributing resource in the Irvington Historic District
Zoning: CM2 – Commercial Mixed-Use 2
Case Type: HR – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant seeks Historic Resource Review approval to replace an existing non-original window with a new storefront entry door in a contributing historic resource. A non-illuminated

10.4 square foot blade sign is proposed above the entrance. The building is a commercial, concrete building fronting NE Broadway. The street-facing façade is symmetrical, with a center primary entrance, arched storefront windows, and two recessed areas with angled walls. The recesses are infilled with non-original doors and stucco wall. Permit history indicates that the existing windows replaced doors prior to the formation of the Historic District. The proposal will restore a door in the recessed doorway, retaining the diagonal walls of the recess and the existing canopy.

Historic Resource Review is required for non-exempt exterior alterations in the Irvington Historic District.

Relevant Approval Criteria:

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

- *33.846.060.G – Other Approval Criteria*

ANALYSIS

Site and Vicinity: The site is located one parcel to the east of NE 21st Avenue, fronting NE Broadway. Constructed in 1947, this one-story concrete block commercial building is a Contributing Resource in the Irvington Historic District. The simple façade is notable for its symmetrical pattern, with three recessed entries separated by tall, arched storefront windows.

The site is in the narrow swath of CM2 zone along NE Broadway street. It borders R1a (a multi-dwelling residential zone) to the north. The Irvington Historic District line runs down the center of NE Broadway. Therefore, the commercial properties across NE Broadway from this site are not in the Historic District. The two properties on each side and the property behind this are all non-contributing properties.

Northeast Broadway is a Major Transit Priority Street, a Major City Traffic Street, a Major City Bikeway, a City Walkway, a Major Emergency Response Street, and a Regional Main Street.

Zoning: The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed-use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

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.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle-class housing types and sizes during the first two decades of the Twentieth Century. The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south

avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

Land Use History: There are no previous land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **May 22, 2019**. The following Bureaus have responded with no issues or concerns:

- Life Safety (exhibit E.1)
- Fire Bureau (exhibit E.2)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 22, 2019. No responses were received from the neighbors or the neighborhood association.

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 within the Irvington Historic District and the proposal is for 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.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 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.

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.

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 for 1, 2, 3, 4, 5, 7, 8, 9 and 10: The contributing resource in the Irvington Historic District is a one-story concrete block commercial building fronting NE Broadway. The building is notable for its recessed, angled bays at the ground level and its large, arched storefront windows. Prior to the late 1990s, all three of these bays housed entry doors into the storefront spaces within. In the 1990s, prior to the formation of the Historic District, the two narrower recessed bays were infilled with a small square window and concrete wall to match the rest of the exterior. These windows are not consistent with the style, shape or material of other original windows on the façade and do not have historic significance.

This proposal is to replace the eastern square window at the recessed bay and re-install a storefront entrance at that location. While it will temporarily reduce the symmetry of the building, leaving a single square window remaining, the beneficial restoration of the original architectural intent of the façade outweighs the reduced symmetry created by the non-historic windows. Further, it creates a precedent for a future restoration to replace the final square window with a matching single storefront door.

Removing the 1990s infill and window in an original entrance bay, and adding a new in-swing entrance, while keeping the character-defining angled walls, facilitates demising the interior to support additional commercial tenants and partially restores the original historic character of this storefront. The new storefront entrance will match the existing primary entrance door in color, pulls and lockset. The infill panel to be removed is not of historic significance. If adjacent materials are damaged, they will be repaired to match the existing wall. The reinstallation of this entrance is compatible with the original building, maintains its character-defining features, and enhances the commercial identity of this area of the District. *Therefore, these guidelines 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 requirements of Title 11 can be met, and 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.

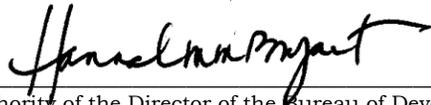
ADMINISTRATIVE DECISION

Approval of an in-swing entrance to replace a window and wall panel at the rear of a recessed bay and a 10.4 square foot non-illuminated blade sign above the entrance, per the approved

site plans, Exhibits C-1 through C-7, signed and dated June 27, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 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 19-143307 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: Hannah Bryant

Decision rendered by:  **on June 27, 2019**

By authority of the Director of the Bureau of Development Services

Decision mailed: July 1, 2019

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 5, 2019, and was determined to be complete on May 17, 2019.

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 5, 2019.

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 14, 2019.**

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 Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 15, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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.

Appeal fee waivers. Multnomah County may cover the appeal fees for their recognized associations. An appeal filed by a recognized association must be submitted to the City with either the appropriate fee or the attached form signed by the County. Contact Multnomah County at 503-988-3043, 1600 SE 190th, Portland, OR 97233.

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 %Appeal Body% 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 %Appeal Body% 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **July 16, 2019** 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.

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;

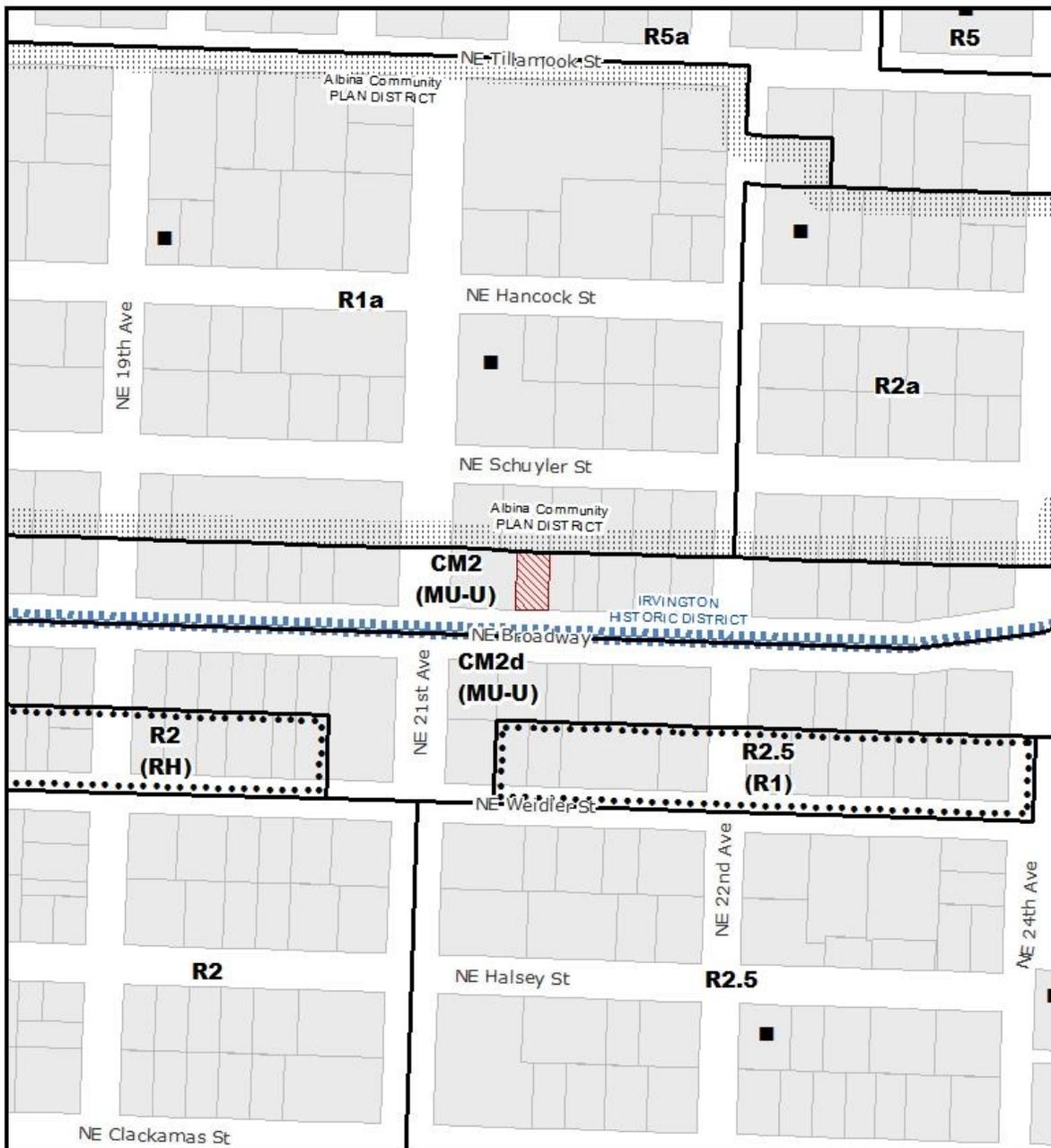
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Original Submittal
 - 2. Revised Submittal + Narrative, dated May 10, 2019
 - 3. Photo of sign
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing and Proposed Plans and Elevations
 - 3. Site Plan for Signage
 - 4. Elevation for Signage
 - 5. Sign Materials
 - 6. Sign Details
 - 7. Entry Door Cutsheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety
 - 2. Fire Bureau
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter dated April 18, 2019

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:
 IRVINGTON HISTORIC DISTRICT

 Site
 Historic Landmark

File No.	LU 19-143307 HR
1/4 Section	2832
Scale	1 inch = 200 feet
State ID	1N1E26DD 8400
Exhibit	B Apr 10, 2019

City of Portland
BUREAU OF DEVELOPMENT SERVICES
1220 NE Oregon Street, Portland, OR 97232
503.944.3300

Twisted Crossant
PROJECT: 19-143307 HR
NO. DATE: 6/27/19
TYPE: HR

OF 19113
A0.1

2121 NE Broadway

60'-11"

50'

NE Broadway

1 Site Plan
Scale: 1/8" = 1'-0"

Approved
City of Portland - Bureau of Development Services
Planner [Signature] Date 6.27.19
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 19-143307 HR

C.1