



**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](http://www.portlandoregon.gov/bds)

**Date:** July 15, 2019  
**To:** Interested Person  
**From:** Megan Sita Walker, Land Use Services  
503-823-7294 / [MeganSita.Walker@portlandoregon.gov](mailto:MeganSita.Walker@portlandoregon.gov)

**NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 19-139421 HR – EXTERIOR ALTERATIONS**

**GENERAL INFORMATION**

**Applicant:** Paul Franks | Paul Franks Architecture  
19005 NE 151st St.  
Woodinville, WA 98072  
(425) 785-8780

**Owner:** Sandra Biller  
1944 NW Blue Ridge Dr  
Seattle, WA 98177-5426

**Site Address:** 118-128 NW 23RD AVE

**Legal Description:** STRONGS ADD, BLOCK 2, S 15' OF LOT 7, N 35' 6" OF LOT 10  
**Tax Account No.:** R801800480  
**State ID No.:** 1N1E33CB 01000  
**Quarter Section:** 3027

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

**Plan District:** Northwest  
**Other Designations:** Contributing Resource in the Alphabet Historic District

**Zoning:** CM2m (MU-U) – Commercial/ Mixed Use 2 with the 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 is seeking Historic Resource Review approval for alterations to a contributing resource in the Alphabet Historic District. The subject resource was built in 1910 and faces west onto NW 23<sup>rd</sup> Avenue, a few properties north of W Burnside Street. The alterations proposed include the following:

- Replacement of the original metal cornice and brackets with a new painted sheet metal cornice with a with a profile to match the original condition and new brackets;
- Enclosing two (2) existing/original window openings on the ground floor of the south elevation (end wall) with brick;
- Installation of two (2) façade mounted lights on the west (street facing) elevation, and one (1) security light fixture on the south (end wall).

The scope of work also includes alterations that are exempt from review, such as the repair and painting of existing/ original windows and doors, and the repair of brick.

Historic Resource Review is required because the proposal includes non-exempt 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, Portland Zoning Code. The relevant approval criteria are:

- *Community Design Guidelines*
- *Historic Alphabet District: Community Design Guidelines Addendum*

**ANALYSIS**

**Site and Vicinity:** The 5,050 SF site is located near the southern end of NW 23<sup>rd</sup> Avenue which is a major commercial street in the Alphabet Historic District. The existing building is a two-storey brick structure housing several retail sales and service businesses. Surrounding development includes similar streetcar-era buildings with retail, office, and housing in them. The building, which was constructed in 1910, has undergone a number of renovations in the past, including installing four projecting metal canopies and one fabric awning out toward the sidewalk. The property is located within the Northwest Pedestrian District and NW 23<sup>rd</sup> Avenue is classified in the Transportation System Plan as a Community Main Street, a Major Transit Priority Street, a Neighborhood Collector Street, and a City Bikeway.

The Historic Alphabet District is located at the base of the West Hills, roughly bounded by W Burnside Street to the South, NW 17<sup>th</sup> Avenue to the East, NW Marshall Street to the North and NW 24<sup>th</sup> Avenue to the West. The district is predominantly residential in character but also has two main commercial corridors along NW 21<sup>st</sup> and NW 23<sup>rd</sup> Avenues, as well as institutional properties. Originally platted as a residential district for the upper class, the Lewis and Clark Exposition of 1905 prompted the construction of several apartment buildings by notable Portland architects. The neighborhood is still one of the city's more densely populated historic neighborhoods.

**Zoning:** The Commercial/Mixed Use (CM2) 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.

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 Centers Main Street “m” overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

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

- LU 13-128348 HDZ – This application was withdrawn.
- LU 13224848 HDZ – Approval of historic resource review for two signs mounted on top of two existing metal channel canopies.

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

- Life Safety Division of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on. Two written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. John Maternoski, wrote in on June 9, 2019 in support of the alterations to the building, but with concern to the removal of the street trees in front of the building. See Exhibit F-1 for additional information.
2. Bob Gantz, wrote in on June 23, 2019 in general support of the alterations to the building, but with concern to the infill of the two boarded up windows on the south end wall condition. See Exhibit F-2 for additional information.

Staff Response: BDS staff directs John Maternoski to contact Urban Forestry at 503-823-TREE (8733) to discuss the removal of the two street trees, as the street trees are out of the scope of Historic Resource Review. With regard to the concerns expressed by Bob Gantz, please refer to the findings below for consideration of the replacement of the existing wood infill with brick infill. The recessed area mentioned is entirely on the property to the south. While, BDS staff agrees that coordination of building owners could result in addressing the issues raised, the management of this space is a management/ownership issue and therefore also out of the scope of Historic Resource Review.

## **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.

**Findings:** No changes are proposed to elements that have acquired historic significance over time. *This guideline is therefore not applicable.*

**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.

**Findings:** The existing/ original sheet metal cornice is proposed to be replaced with a sheet metal cornice with the same profile and finish. However, as this a replicated element, it will be differentiated through the use of contemporary materials and construction methods. *This guideline is therefore met.*

**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:** The proposed alterations retain historic material, reference the profile, detailing, and material (for the proposed replacement cornice), and relate to common features (lighting and end wall conditions) seen in the area. As such, the proposed changes are compatible with the subject resource and the Alphabet Historic District, and this commercial portion of the District as a whole. *This guideline is therefore met.*

### **Community Design Guidelines**

**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.

**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.

**Findings for P1 & P2:** The proposed alterations, in particular the replication of the historic cornice and preserving all original windows, to the subject contributing resource enhance the identity established by the

Alphabet Historic District as the proposed alterations respect and respond to detailing of the historic features of the building. As such, the proposed alterations enhance the sense of place and identity of the area and reinforce and compliment the historic fabric of the district. *These guidelines are therefore met.*

**E3. The Sidewalk Level of Buildings.** Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building features, creating effective gathering places, and differentiating street level facades.

**Findings:** At the sidewalk level the proposal includes new light fixtures mounted to brick columns that are to be connected to existing electrical boxes within the column, with no exterior conduit approved. As such, the resource will continue to create a sense of enclosure and visual interest along the sidewalk by integrating pedestrian scaled elements. Staff has added a Condition of Approval that the conduit for the light fixtures only be internal to the building to ensure visual interest on this primary frontage is retained.

*With a Condition of Approval that the conduit for the light fixtures shall be internal to the building, this guideline is met.*

**D5. Crime Prevention.** Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor 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 D6, D7 & D8:** The proposed alterations are mostly intended to retain and repair historic material. However, the existing sheet metal cornice is proposed to be replaced with a new sheet metal cornice and concealed mounting structure to match the existing/ original condition. On the south, end wall condition the proposal includes the infilling of two ground floor windows that have been previously removed and infilled with wood panels. The existing wood infill panels, are proposed to be replaced with brick infill.

The window openings at this location of the building are located at the property line and abut a rear, recessed parking area associated with the property to the south of the site. While windows at this location along with interior programming changes (not subject to review) could potentially allow views into this recessed area, this area is out of public view from the street, and ground floor windows could invite interior vandalism. Staff has added a Condition of Approval that the infill brick module match the module size, and color of the adjacent brick to ensure that the proposed replacement infill is compatible with the resource for this secondary frontage. With the condition of approval, the materials and treatments proposed form a cohesive composition and serve are compatible with the existing resource.

*With the Condition of Approval that the infill brick modal match the module size, and color of the adjacent brick module, 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 proposed alterations are designed to limit impact on historic material, and to not compromise the integrity of the resource's ability to convey its historic significance. 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. With the added condition of approval, the proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of exterior alterations to a contributing resource in the Alphabet Historic District to include the following:

- Replacement of the original metal cornice and brackets with a new painted sheet metal cornice with a profile to match the original condition and new brackets;
- Enclosing two (2) existing/original window openings on the ground floor of the south elevation (end wall) with brick;
- Installation of two (2) façade mounted lights on the west (street facing) elevation, and one (1) security light fixture on the south (end wall).

Approved per Exhibits C-1 through C-7, signed and dated July 10, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) 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 19-139421 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.
- D. The conduit for the light fixtures shall be internal to the building.
- E. The infill brick module shall match the module size, and color of the adjacent brick module.

**Staff Planner: Megan Sita Walker**

**Decision rendered by:** \_\_\_\_\_  \_\_\_\_\_ **on July 10, 2019**

By authority of the Director of the Bureau of Development Services

**Decision mailed July 15, 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 March 28, 2019, and was determined to be complete on June 3, 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 March 28, 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 extended by the applicant, **the 120 days will expire on: October 1, 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.

**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](http://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 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.

**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

#### Applicant's Statement

1. Original Project Description & Response to Approval Criteria
  2. Original Drawing Set – Not Approved/ For Reference Only
  3. Revised Project Description & Response to Approval Criteria, Rec'd 05/20/2019
  4. Revised Drawings, Rec'd 05/20/2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. First Floor Plan/ Site Plan (attached)
  2. Second Floor Plan
  3. Roof Plan
  4. North & West Elevations and Wall Section (attached)
  5. South & Est Elevations
  6. Section Details
  7. Section Details
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses:
1. Fire Bureau
  2. Life safety Division of BDS
- F. Correspondence:
1. John Maternoski
  2. Bob Gantz
- G. Other:
1. Original LU Application
  2. Incomplete Letter
  3. Site Photos
  4. Email correspondence between Staff and Applicant

**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).**





