



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

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Date: August 23, 2019
To: Interested Person
From: Tim Heron, 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 19-185196 HR – WINDOW REPLACEMENT

GENERAL INFORMATION

Applicant/Owner: 23rd Avenue Investors | Richard H Michaelson
906 NW 23rd Ave | Portland, OR 97210

Site Address: 902 NW 23RD AVE

Legal Description: BLOCK 20 LOT 18, KINGS 2ND ADD
Tax Account No.: R452303420
State ID No.: 1N1E33BC 00400
Quarter Section: 2927

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
Zoning: CM2 (MU-U) m
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 requesting Historic Resource Review approval for the replacement of 4 failing windows on the non-contributing rear addition of 2275 NW Kearney. The four windows will be vinyl window replacements to match the operation and proportions of the existing windows as noted in the attached drawings. Because the proposal is for replacement windows in a Historic District, Historic Resource Review is required.

Relevant Approval Criteria:

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

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

ANALYSIS

Site and Vicinity: The 5,000 square foot lot is located at the corner of NW Kearny Street and NW 23rd Avenue with an existing converted 2-1/2 story office building. In the back of the property is a 3-story building with two apartments and garages below. The apartment building faces NW Kearny Street and has a parking area in front. NW 23rd Avenue is a Neighborhood Collector, and a Major Transit Priority Street. The site is located within the Northwest Pedestrian District. NW 23rd Avenue is a busy commercial street with small retail stores, shops, restaurants, and offices. The area attracts both natives and tourists for shopping, dining and just strolling.

Zoning: Commercial/Mixed Use 2 zone. 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 Centers Main Street overlay zone [m] 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.

The Historic Resource Overlay Zone protects certain historic resources in the region and preserves significant parts of the region's heritage. 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 one prior land use reviews include the following:

- LU 04-013153 HDZ - Approval of the installation of new exterior siding and the repair/replacement of vinyl windows.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on July 17, 2019.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 17, 2019. 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, Historic Reviews****Purpose of Historic Design Review**

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design 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. Therefore, the proposal requires Historic Design Review approval. The applicable design guidelines are the Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum [33.846.060 E.1.c].

Historic Alphabet District - Community Design Guidelines Addendum

These guidelines were adopted on September 5, 2000 and were developed to work with the Community Design Guidelines to provide a set of guidelines specific to the district.

Community Design Guidelines

These guidelines provide the constitutional framework for all design review areas outside the Central City that are not covered by their own specific area design guidelines. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other transportation systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

Staff has considered all guidelines and only has addressed those considered applicable to this proposal. Historic Alphabet District Guidelines and Community Design Guidelines are addressed concurrently.

Historic Alphabet District Approval Criteria

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 vinyl windows proposed, which match the configuration of the windows they are replacing, are differentiated from the contributing structure but will maintain a more coherent expression across this 1980s non-contributing addition as only four windows are proposed for replacement while the rest will remain. No historic materials are being replaced, and the project is a repair/alteration, not new construction. *This guideline is 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 replacement of the four failing windows with four new vinyl windows designed to be closely configured to the existing windows will be compatible with this existing non-contributing resource, so the overall coherency of this building will remain intact. Because only four windows are proposed for replacement, maintaining the overall coherency of the existing building, ensures compatibility than would the installation of four new windows in a different, yet more compatible material with the contributing building in the district. *This guideline is met.*

Community Design Guidelines

P1. Community Plan Area Character. Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's unique characteristics and neighborhood 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 and P2: The affected property is a non-compatible addition to a contributing resource in the Alphabetic Historic District. The structure was built in the late 1980s and was one of the first attempts to build above a parking lot in Northwest Portland. Replacing the four failing vinyl windows with four new matching vinyl windows ensures that this change is compatible with the existing character and design of this non-contributing building addition, as well as the district in which buildings primarily feature a single window material rather than windows with multiple different materials. *These guidelines are met.*

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.

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 and D8: The replacement of the four failing vinyl windows with four matching vinyl windows will maintain the coherency of the façade of this non-contributing building and will allow the building's life to be extended well beyond the life of the present windows. No other changes are proposed. *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 historic resource review ensures the conservation and enhancement of the special characteristics of historic resources. The proposed changes are modest, meet the approval criteria, and maintain the existing building's non-contributing features without detracting from the special characteristics of the Alphabet Historic District.

ADMINISTRATIVE DECISION

Approval for the replacement of 4 vinyl windows on the non-contributing rear addition of 2275 NW Kearney with four vinyl windows to match the operation and proportions of the existing windows.

Approval per Exhibits C-1 through C-3, signed and dated August 20, 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 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 19-185196 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: Tim Heron



Decision rendered by: _____ **on August 20, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed August 23, 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 June 27, 2019, and was determined to be complete on **July 15, 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 June 27, 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: November 12, 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.

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 **August 26, 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:

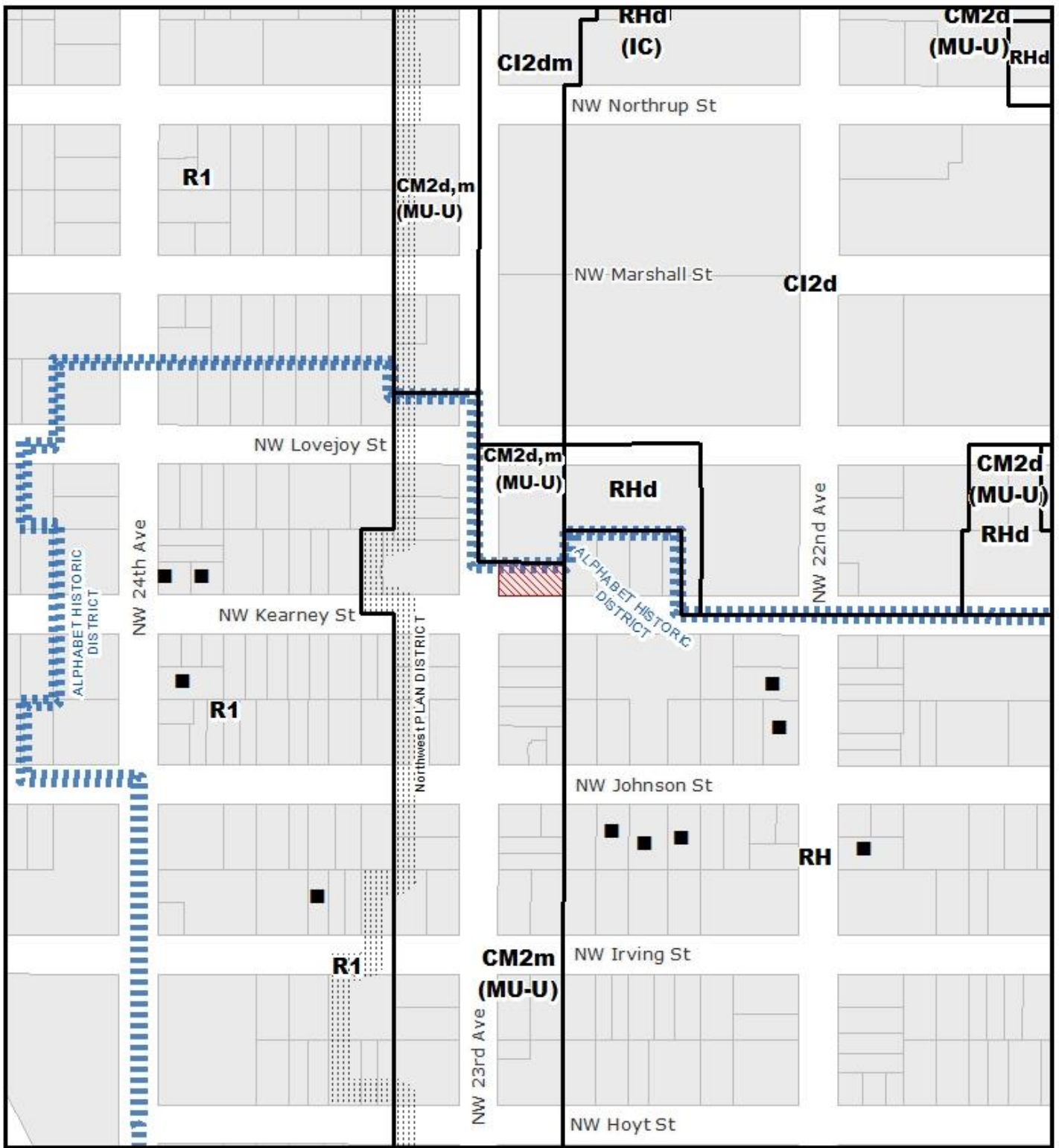
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Elevation [attached]
 3. Window details
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No responses were 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



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



Site

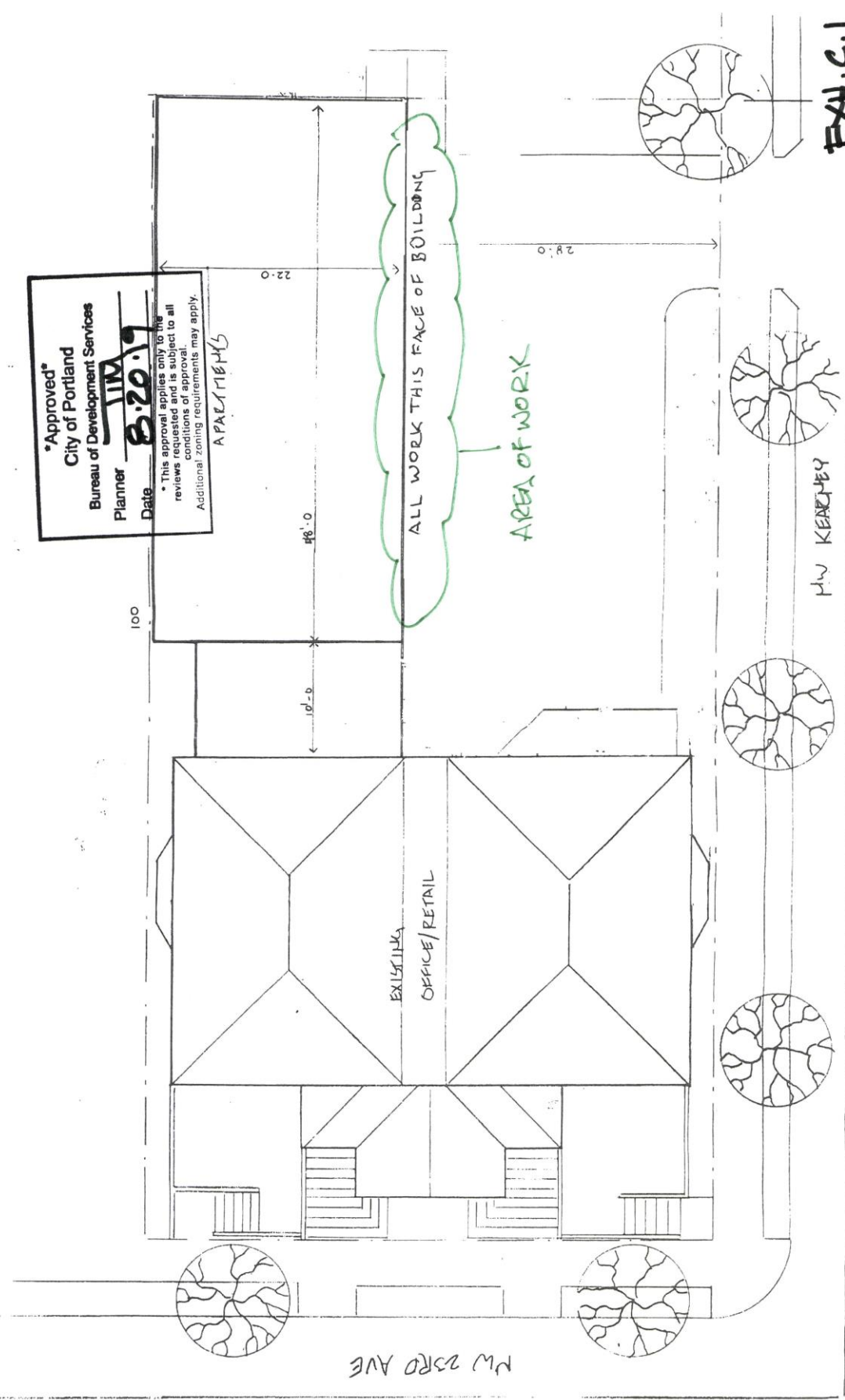


Historic Landmark

File No.	LU 19-185196 HR
1/4 Section	2927
Scale	1 inch = 200 feet
State ID	1N1E33BC 400
Exhibit	B Jul 01, 2019

Approved
 City of Portland
 Bureau of Development Services
 Planner JWA
 Date 8.20.17
 * This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

APARTMENTS

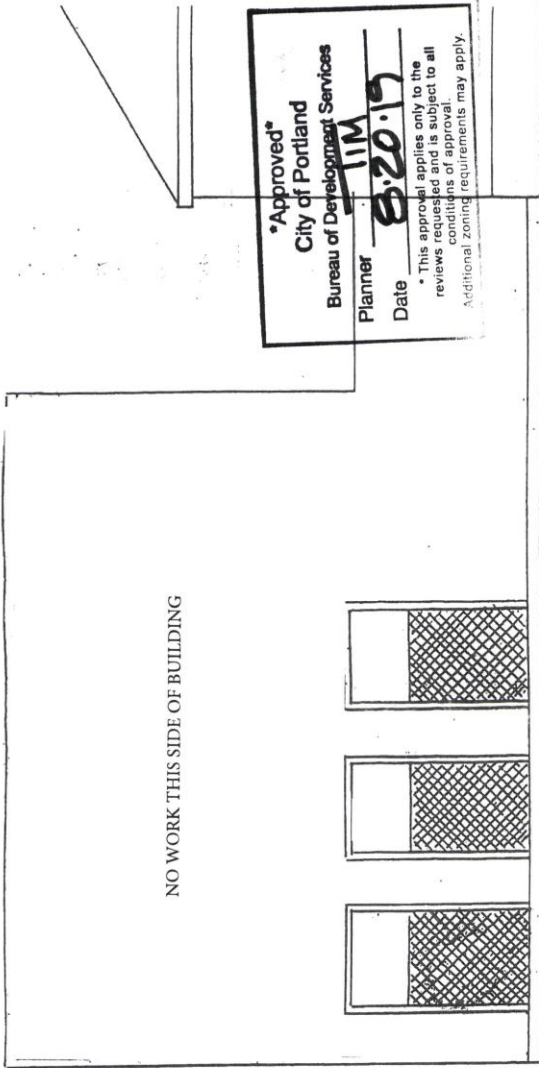


EXH.C.1

SITE PLAN

N 1" = 0' 0"

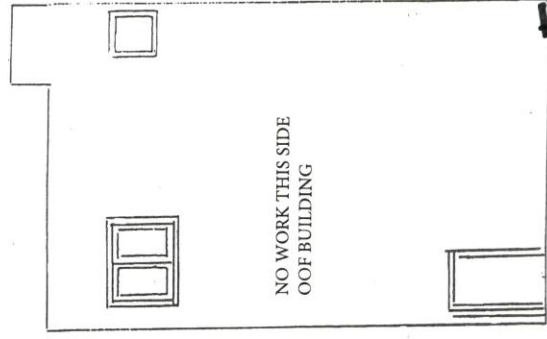
LA 19 - 185 196 HR



NO WORK THIS SIDE OF BUILDING

Approved
 City of Portland
 Bureau of Development Services
 Planner JIM
 Date 8.20.19
 * This approval applies only to the
 reviews requested and is subject to all
 conditions of approval.
 Additional zoning requirements may apply.

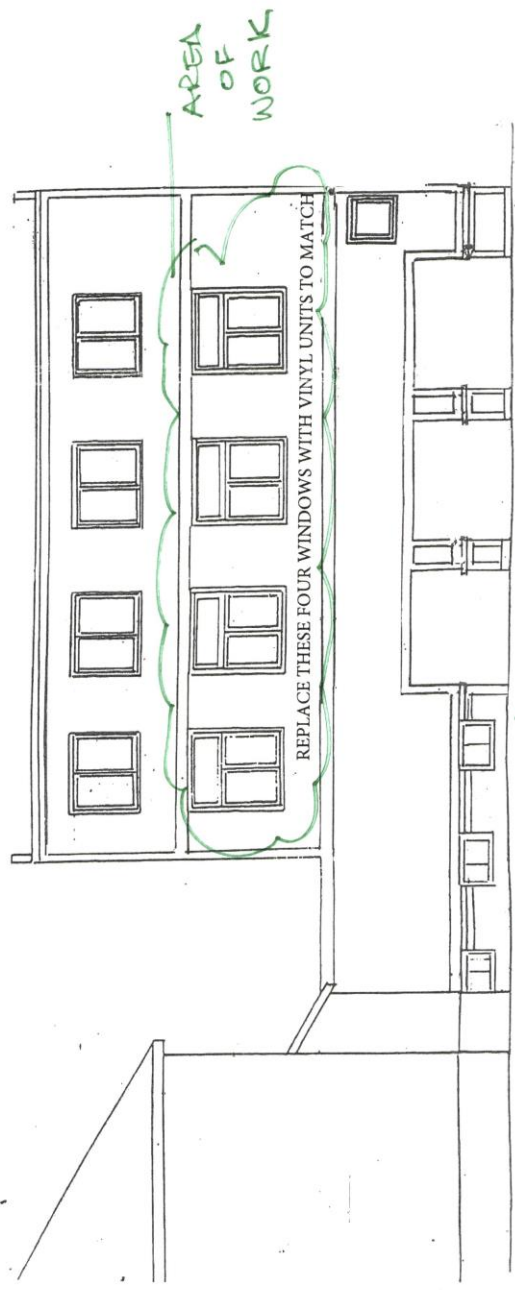
NORTH ELEVATION



NO WORK THIS SIDE
 OOF BUILDING

EXH. C.2
 WA 19-185196 HR

EAST ELEVATION



AREA
 OF
 WORK

REPLACE THESE FOUR WINDOWS WITH VINYL UNITS TO MATCH

NW YEARNLEY / SOUTH ELEVATION 1/8"=1'-0"