



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

Ted Wheeler, Mayor
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Date: February 14, 2020
To: Interested Person
From: Hannah Bryant, Land Use Services
503-823-5353 / Hannah.Bryant@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 19-260377 HR – REMOVING DOORS IN HISTORIC DISTRICT

GENERAL INFORMATION

Applicant: Brian Kimura | Climate Architecture LLC
3934 NE Milk Jr Blvd Suite 205A
Portland, OR 97212
(646) 408-4971

Owner: Old Town Lofts Condo Assn
233 NW 5th Ave
Portland, OR 97209-3839

Site Address: 411 NW Flanders St

Legal Description: GENERAL COMMON ELEMENTS, OLD TOWN LOFTS CONDOMINIUM
Tax Account No.: R625900010
State ID No.: 1N1E34CA 80000
Quarter Section: 3029
Neighborhood: King, contact Jacquie Walton at jacquie.kingnapdx@gmail.com
Business District: Downtown Retail Council, contact at lfrisch@portlandalliance.com, Old Town Community Association, contact at chair@PDXoldtown.org
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Central City - Old Town/Chinatown
Other Designations: *Non-Contributing Resource in New Chinatown/Japantown Historic District*

Zoning: CXd, *Central Commercial with a Design Overlay and a Historic Resource Protection 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 seeks Historic Resource Review approval to replace three sets of entry doors and to infill the bays with storefront glass to match existing storefront. The doors proposed to be infilled include a double entry door facing NW Flanders Avenue, and two single doors facing NW Fourth Avenue.

Historic Resource Review is required for non-exempt exterior alterations in the Central City and in the Chinatown/Japantown 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:

- *Central City Fundamental Design Guidelines*
- *Oregon Statewide Planning Goals*
- *New Chinatown/Japantown Historic District Design Guidelines*

Please note: The decision adopting the July 9, 2018 code (CC2035 Plan) was appealed to the Land Use Board of Appeals (LUBA). LUBA's decision has been appealed to the Oregon Court of Appeals by multiple parties. While the particular code provisions this project relies on are not at issue in the appeal, if the courts remand CC2035, the City will revert back to the version of PCC 33.510 that was in existence before July 9, 2018 until Council is able to readopt CC2035.

Please be aware of the following: As details of the remand and results of the Council's future action to the remand are unknown at this time, this land use review is being reviewed under two versions of PCC 33.510. The most recent version that went into effect on July 9, 2018, and the previous PCC 33.510 version that was in effect prior to the July 9, 2018.

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. This application was submitted on December 4, 2019 and determined to be complete on December 23, 2019.

ANALYSIS

Site and Vicinity: The subject property is a seven-story mixed-use building constructed in 2000. It is evaluated as a non-contributing building in the New Chinatown/Japantown Historic District. The site is located in the North of Burnside Pedestrian District and the Old Town/Chinatown Bicycle District. The MAX Green and Orange lines are one block to the west, on NW 5th Avenue. Both NW Flanders and NW Fourth Avenue are City Walkways. NW Flanders is a Major City Bikeway. NW Fourth Avenue is a City Bikeway.

Zoning: The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

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 Central City Plan District implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region’s premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river. The site is within the Old Town/Chinatown Subdistrict of this plan district.

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:

- LU 99-00981 HDZM – Historic Design Review approval for a six-story mixed use building.
- LU 13-153404 HR – Historic Resource Review approval to remove existing stucco finish and windows from a light well and replace them with similar materials.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **January 8, 2020**. The following Bureaus have responded with no issues or concerns about the proposal:

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **January 8, 2020**. 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 New Chinatown/Japantown Historic District and the proposal is for a non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are the *New Chinatown/Japantown Historic District Design Guidelines* and the *Central City Fundamental Design Guidelines*.

Staff has considered all guidelines and addressed only those applicable to this proposal. The New Chinatown/Japantown Historic District Design Guidelines and the Central City Fundamental Design Guidelines are considered concurrently.

Design Guidelines for the New Chinatown/Japantown Historic District Design Guidelines and Central City Fundamental Design Guidelines

The New Chinatown/Japantown Historic District is a unique asset to Portland and has been recognized nationally by its placement on the National Register of Historic Places. There are certain procedures and regulations the City has adopted for the protection and enhancement of the New Chinatown/Japantown Historic District.

The Central City Fundamental Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland's character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City's districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City's districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

Design Guidelines for the New Chinatown/Japantown Historic District

A2. Use durable, high-quality materials and finishes.

A6. Provide texture, small scale detail, and a rich pedestrian environment at the ground floor.

A8. Reflect the desired streetscape character of the district in rights of way, at building entries, and in special places.

A9. Provide visual interest to exposed lot-line walls through elements such as expressed floor lines, art, or inclusion of openings where allowed.

A10. Incorporate an architectural edge and/or active use along the sidewalk along any surface parking or off-street loading areas.

B2. Design alterations to be respectful of the original style, type and design of the building.

Findings for A2, A6, A8, A9, A10 and B2: The original ground level of this building was designed with many entrances to facilitate demising the commercial space for multiple tenants. Six entry doors are along the perimeter of the single commercial space. The single tenant – the Oregon Nikkei Legacy Center – requires more glazed wall area and does not require so many entries, and therefore proposes to remove two single entries on the NW Fourth Avenue frontage and one double entry fronting NW Flanders Street.

Removal of the two single doors facing NW Fourth Avenue, and replacing them with storefront to match existing adjacent commercial storefront, will increase the net glazing percentages and provide more visual connection to the museum exhibits and active use within. The storefront is high-quality and durable, and will result in a coherent street frontage.

The building was designed with a prominent architectural expression at the corner, where NW Fourth Avenue and NW Flanders intersect. At the corner the roof height is

slightly taller, with deeper eaves and a three-story oriel fronting both streets. At the street level, the corner is celebrated with arched mezzanine level decorations, and recessed entries from both streets into a single commercial space. The corner is symmetrical, with equal treatment facing both of the adjacent streets. The strong corner expression, including roofline, oriels and decorative mezzanine level all communicate the location of the primary entry doors. The proposal to remove one of these paired entry doors creates an asymmetry that is incongruous with the architecture of the building. It is not respectful of the original design of the building, nor does it reflect the desired streetscape character of the district at the entry and by maintaining two sets of corner doors the building is not precluded from being used as initially intended in the future. Therefore, Condition of Approval C states that all paired entry doors at the corner shall remain in place.

Staff understand this Condition of Approval requires a situation not requested by the applicant. If operations are complicated by two sets of corner doors, one set is allowed to be locked.

With Condition of Approval C, that all paired entry doors at the corner shall remain in place, these guidelines are met.

Central City Fundamental Design Guidelines

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

B1. Reinforce and Enhance the Pedestrian System. Maintain a convenient access route for pedestrian travel where a public right-of-way exists or has existed. Develop and define the different zones of a sidewalk: building frontage zone, street furniture zone, movement zone, and the curb. Develop pedestrian access routes to supplement the public right-of-way system through superblocks or other large blocks.

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

Findings for A4, B1 and C2: The proposal to replace two single entry doors with storefront system to match existing storefront will create a more unified ground level from an established kit of parts. Existing storefront has demonstrated that it is sufficiently durable and of high-quality to withstand decades of exposure to weather and human wear and tear at the street level. Therefore, staff has no concerns about using the same product to infill the two single entry doors fronting NW Fourth Avenue that are proposed to be removed.

However, the proposal to remove the paired entry fronting NW Flanders would remove the sole entry from that street into the commercial space. It would result in a weaker pedestrian system, and is therefore not approvable. Condition of Approval C states that the paired entry doors at the corner shall remain in place.

With Condition of Approval C that the paired entry doors at the corner shall remain in place, these guidelines are met.

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

C3. Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

C7. Design Corners that Build Active Intersections. Use design elements including, but not limited to, varying building heights, changes in façade plane, large windows, awnings, canopies, marquees, signs and pedestrian entrances to highlight building corners. Locate flexible sidewalk-level retail opportunities at building corners. Locate stairs, elevators, and other upper floor building access points toward the middle of the block.

C9. Develop Flexible Sidewalk-Level Spaces. Develop flexible spaces at the sidewalk-level of buildings to accommodate a variety of active uses.

Findings for A6, A7, A8, C3, C5, C7 and C9: The proposal will reduce the entry doors facing NW Fourth Avenue from six existing doors into a single commercial space to four doors. This quantity of doors on a single street frontage into one commercial tenant space still exceeds the number of doors we would anticipate from a new development. The removed doors are proposed to be replaced with large storefront glazing panels, to match the existing storefront glazing. The new glazing will exceed that currently provided by the doors, and will allow views into the active use within.

This proposal to remove the doors on the NW Fourth Avenue frontage is consistent with the design of the building, maintains a sense of urban enclosure, and contributes to a vibrant streetscape with increased views into active ground floor uses.

The proposal to remove primary corner entry doors facing NW Flanders, and to replace them with storefront glazing would eliminate the only entrance facing this street, and would result in a weaker corner condition. Therefore, it does not meet Guideline C3 – Respect Architectural Integrity or Guideline C7 – Design Corners that Build Active Intersections.

With Condition of Approval C, that all paired entry doors at the corner shall remain in place, 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

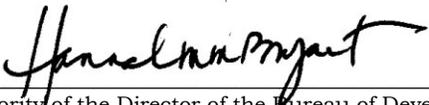
Approval of replacing two single doors fronting NW Fourth Avenue with storefront glazing, per the approved site plans, Exhibits C-1 through C-3, signed and dated February 11, 2020, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 19-260377 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. All paired entry doors at the corner shall remain in place.
- D. No field changes allowed.

Staff Planner: Hannah Bryant

Decision rendered by:  **on February 11, 2020**
By authority of the Director of the Bureau of Development Services

Decision mailed February 14, 2020

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 4, 2019, and was determined to be complete on December 23, 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 December 4, 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: April 21, 2020.**

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 on or after February 18, 2020 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:

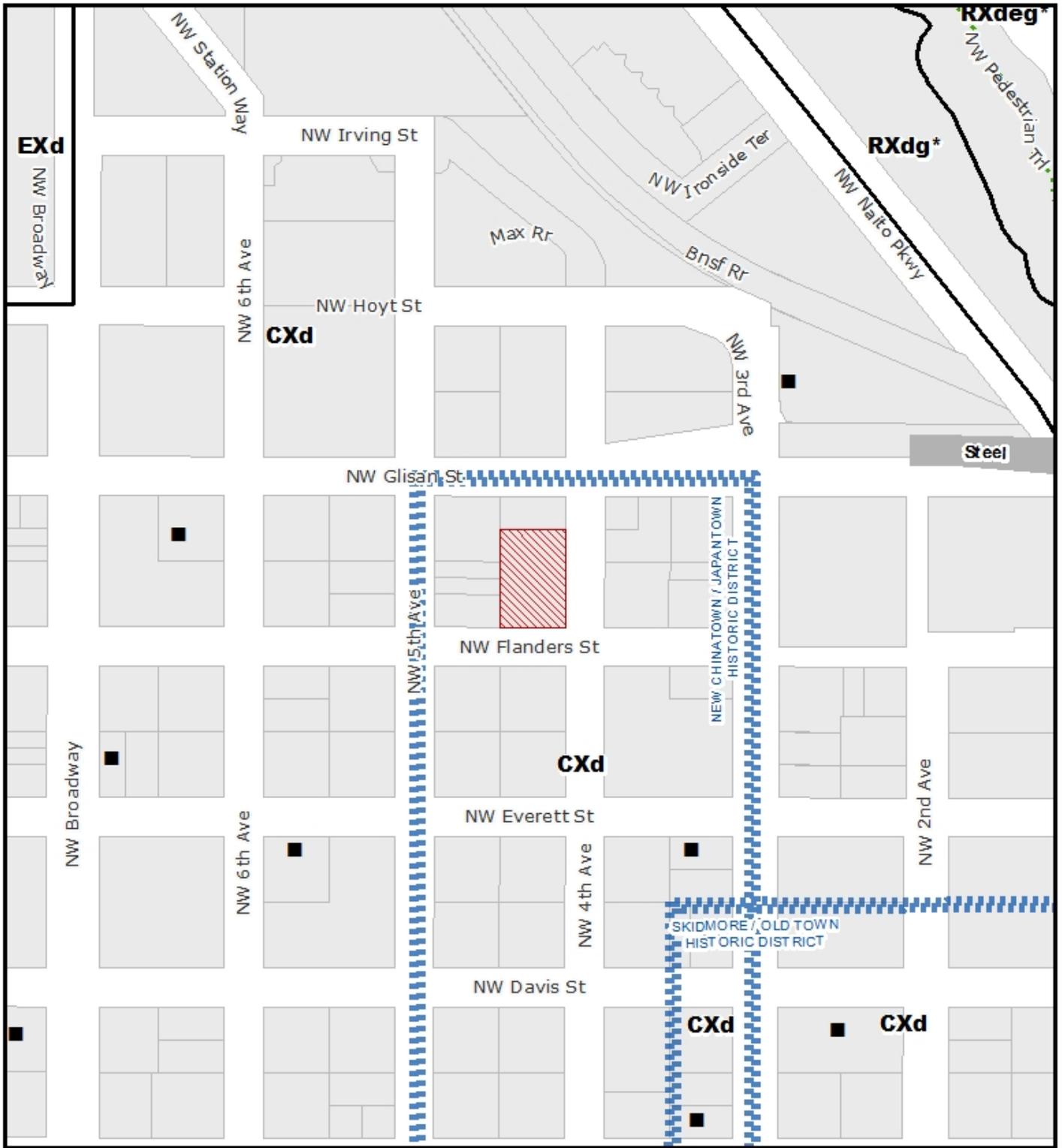
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Narrative
 - 2. Site Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. East Elevation
 - 3. South Elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Fire Bureau
 - 2. Life Safety
- 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



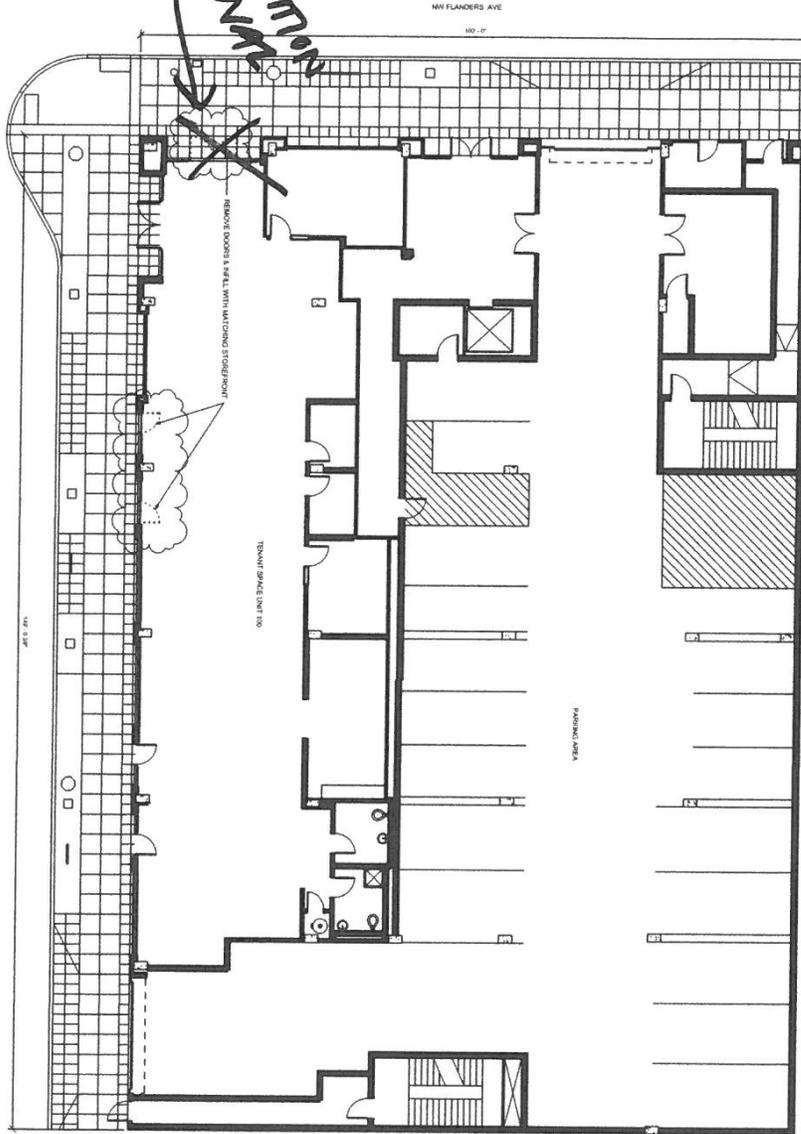
CENTRAL CITY PLAN DIST
 OLD TOWN/CHINATOWN SUB DIST
 NEW CHINATOWN / JAPANTOWN HIST DIST

-  Site
-  Historic Landmark
-  Bridge
-  Recreational Trails

File No.	LU 19 - 260377 HR
1/4 Section	3029
Scale	1 inch = 200 feet
State ID	1N1E34CA 80000
Exhibit	B Dec 06, 2019

SEE CONDITIONS OF CONTRACT

1 SITE PLAN
 LU1
 1/8" = 1'-0"



NORTH

Approved
 City of Portland - Bureau of Development Services
 Plans 1121A Date 2-11-20
 This approval applies only to the reviews requested and is subject to all applicable codes and regulations. Additional zoning requirements may apply.

LU119-260377 HR

C-1

<p>DATE: 2/11/20 SHEET NO: 1 TOTAL SHEETS: 1 PROJECT: LU1</p>	<p>SITE PLAN</p>	<p>REGISTERED ARCHITECT Ron F. Beane State of Oregon Period: Three</p>	<p>climate ARCHITECTURE, LLC 3534 NE MLK JR BLVD, SUITE 205A PORTLAND, OREGON 97212 PH: 503-460-4071</p>	<p>PROJECT: OREGON NIKKEI LEGACY CENTER ADDRESS: 411 NW FLANDERS ST PORTLAND, OR 97201</p>	<p>OWNER: T.B.D.</p>	<p>CLIMATE ARCHITECTURE, LLC 3534 NE MLK JR BLVD, SUITE 205A PORTLAND, OREGON 97212 PH: 503-460-4071</p>
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