



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

Dan Saltzman, Commissioner  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** May 21, 2012  
**To:** Interested Person  
**From:** Kara Fioravanti, Land Use Services  
503-823-5892 / [Kara.Fioravanti@portlandoregon.gov](mailto:Kara.Fioravanti@portlandoregon.gov)

## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 12-119340 HDZ -**

#### **REPLACEMENT WINDOWS**

#### **GENERAL INFORMATION**

**Applicant:** JG 21<sup>st</sup> Avenue LLC, owner  
4030 NE 19<sup>th</sup> Avenue / Portland, OR 97212

**Representative:** Ron Downey, NWR Construction  
2314 SW Shyfield Avenue / Portland, OR 97201

**Site Address:** 134 NW 21<sup>ST</sup> AVENUE  
**Legal Description:** S 30' OF N 230' OF W 100' OF BLOCK 30, KINGS 2ND ADD  
**Tax Account No.:** R452304980  
**State ID No.:** 1N1E33CA 13100  
**Quarter Section:** 3027  
**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.  
**Business District:** Nob Hill, contact Patricia Fielder at 503-407-6163.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Plan District:** Northwest Plan District  
**Other Designations:** Alphabet Historic District  
**Zoning:** CS, Storefront Commercial  
**Case Type:** HDZ, Historic Design Review  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:** The applicant seeks Historic Design Review approval to replace the existing 2<sup>nd</sup> floor windows at the west elevation. The existing windows are aluminum and the proposed windows will be fiberglass windows with trim.

#### **Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are the Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum.

## ANALYSIS

**Zoning:** The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominately built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

**Land Use History:** City records indicate there are no recent land use reviews for this site.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **April 17, 2012**. The following Bureaus have responded with no issues or concerns about the proposal Site Development, Bureau of Environmental Services, Transportation, Parks Bureau, and Water Bureau.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **April 17, 2012**. 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 Design Review

#### 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 and the proposal is for a non-exempt treatment. Therefore Historic Design 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.*

**2. Differentiate New from Old.** New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.

**3. Hierarchy of Compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a historic or conservation district, with the rest of the District.

Where practical, compatibility will be pursued on all three levels. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

**P2. Historic and Conservation Districts.** Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

**D6. Architectural Integrity.** Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

**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:** The 30' x 100' site includes the HG Morgan Building, built in 1890. However, extensive non-compatible alterations made to the building over the years resulted in the site being designated as a non-contributing resource in the National Register's Alphabet Historic District. The proposed work is part of these later, non-compatible alterations.

The proposal does not significantly alter the existing conditions of the building. The replacement windows fit within the existing opening at the upper floor and are similar in appearance to the existing configuration. The proposed trim will provide a quality finish to the building. And, the proposed fiberglass construction is appropriate for replacement windows on a non-contributing commercial building. Finally, the proposal is compatible with the district, as it maintains a commercial front to a building on NW 21<sup>st</sup> Avenue, one of the Alphabet Historic District's main streets

The approval criteria.

## DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## CONCLUSIONS

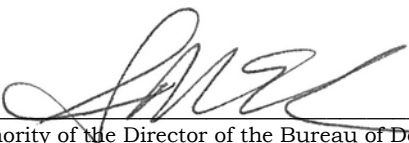
The approval criteria are met.

## ADMINISTRATIVE DECISION

Approval of Historic Design Review to replace the existing 2<sup>nd</sup> floor windows at the west elevation. The existing windows are aluminum and the proposed windows will be fiberglass windows with trim. Approval per the approved plans, Exhibits C-1 through C-3, signed and dated May 17, 2012, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-119340 HDZ."

**Staff Planner: Kara Fioravanti**

Decision rendered by:  on May 17, 2012  
By authority of the Director of the Bureau of Development Services

**Decision mailed May 21, 2012**

**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 6, 2012, and was determined to be complete on **April 17, 2012**.

*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 6, 2012.

*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: August 16, 2012.**

**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. You may call LUBA at 1-503-373-1265 for further information on filing an appeal. 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 must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **May 21, 2012**.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

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.

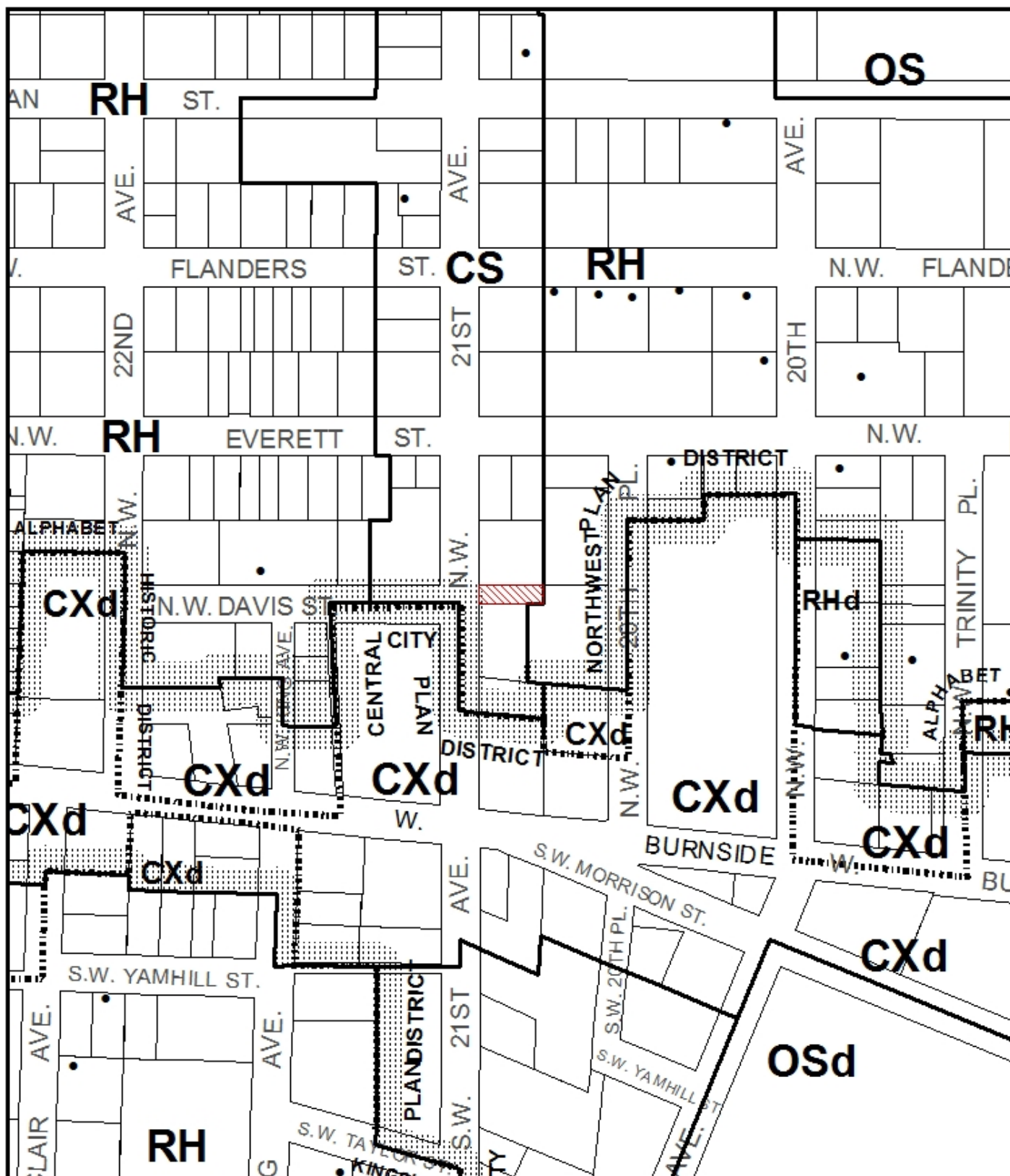
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. Photo of existing building, depicting new windows
  - 3. Proposed window sections
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Water Bureau
- F. Correspondence: not used
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research

**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

 Site

 Historic Landmark

This site lies within the:  
ALPHABET HISTORIC DISTRICT  
NORTHWEST PLAN DISTRICT



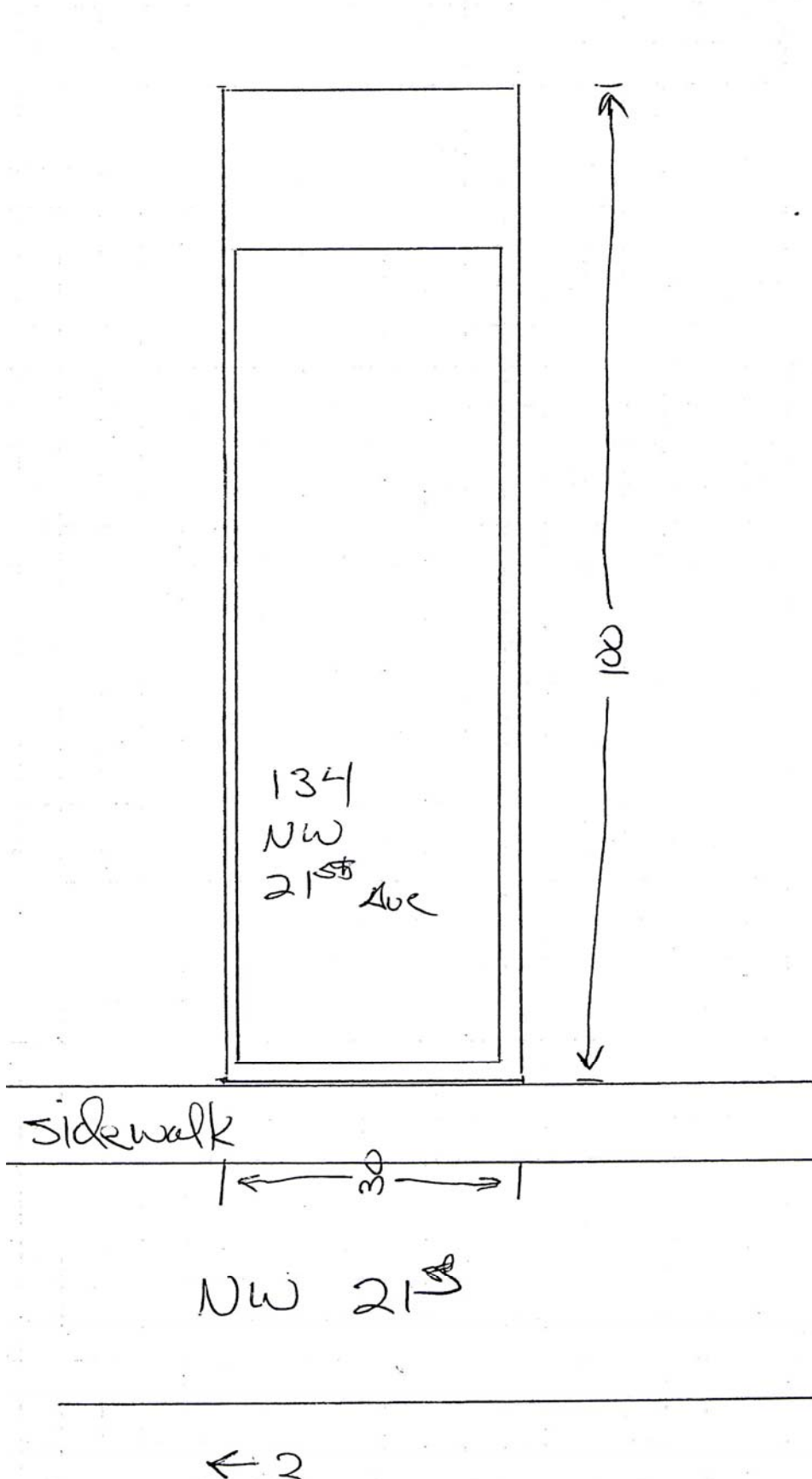
File No. LU 12-119340 HDZ

1/4 Section 3027

Scale 1 inch = 200 feet

State\_Id 1N1E33CA 13100

Exhibit B (Apr 16, 2012)



Job Scope:

Replace Single Pair Aluminum upper sliding windows with new fiberglass wood trim. New Awning. Scale 1 square = 4'

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner [Signature]  
Date 5-17-12

\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
Additional zoning requirements may apply.

12-119340 Hd2  
ETH C.1



\*Approved\*

City of Portland

Bureau of Development Services

Planner

Date

5.17.12

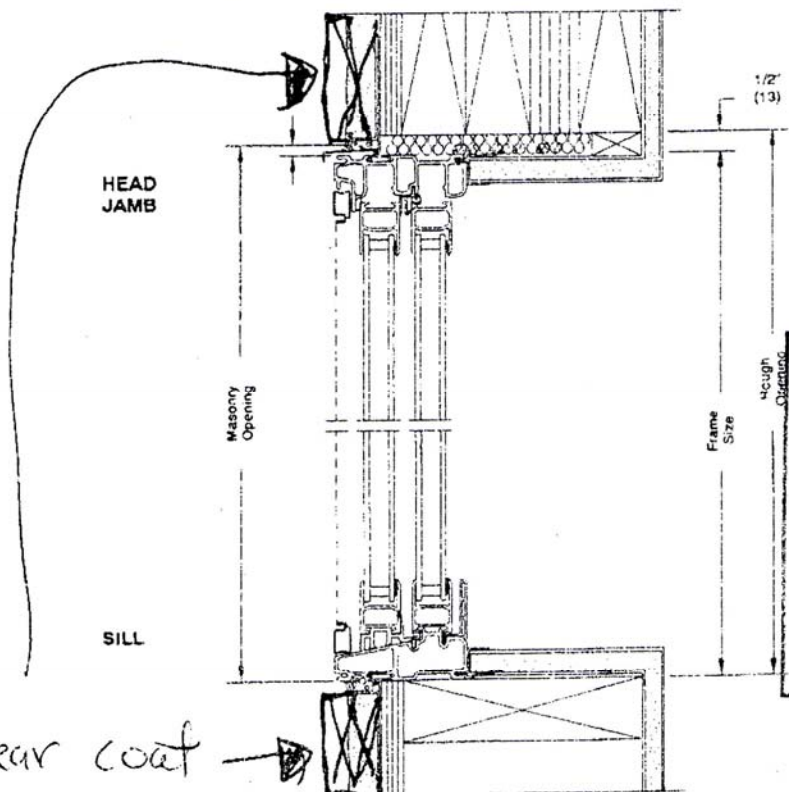
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



note: proposed work approved includes new windows. grand level canopy shown was not proposed & therefore not approved.

12-119340H02

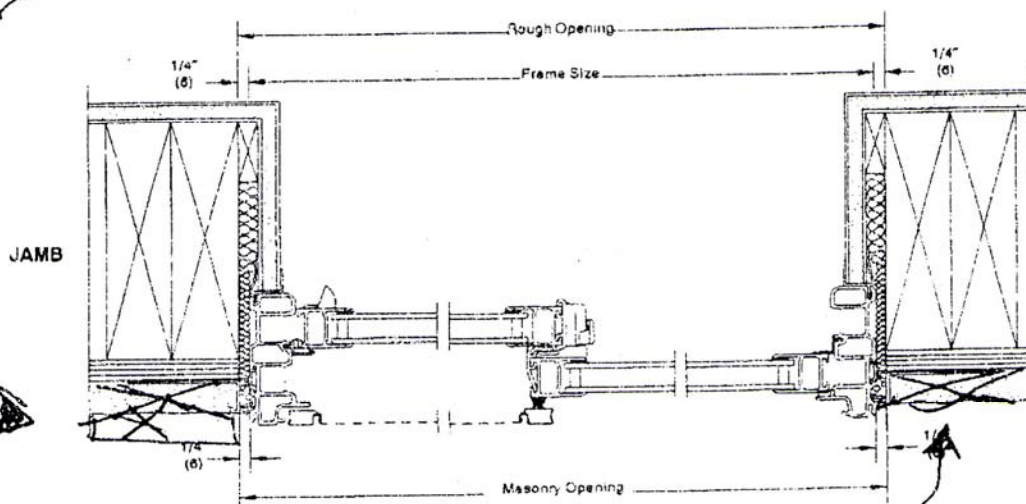




**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner [Signature]  
Date 5.17.12

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

2x6 clear coat cedar



2x6 WITH 2x6 FRAME CONSTRUCTION

2x6 Trim

**NOTE:**

Shown with optional sheetrock return.  
The above wall sections represent typical wall conditions; these details are not intended as installation instructions.  
Please refer to the installation instructions provided with the purchased units.

CHECK MARVIN ONLINE DOCS FOR LATEST VERSION Printed On: Apr 13, 2012, 1:39 pm

57h C.3  
12-119340 HP2