



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: March 14, 2013
To: Interested Person
From: Hillary Adam, Land Use Services
503-823-3581 / Hillary.Adam@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 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 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 12-198279 HDZ – GARAGE CONVERSION

GENERAL INFORMATION

Applicant: Job Scott,
5405 SE Sherman St / Portland, OR 97215-3944

Raul Cruanas, Owner / Twenty-Seventh Avenue LLC
1823 NE Weidler St A / Portland, OR 97232-1581

Site Address: 1702-1714 NE 27TH AVE

Legal Description: BLOCK 10 LOT 5 EXC PT IN ST, CARTERS ADD TO E P
Tax Account No.: R140200770
State ID No.: 1N1E25CC 09100
Quarter Section: 2833
Neighborhood: Grant Park, contact Ron Laster at 503-282-9923.
Business District: NE Broadway BA, contact Murray Koodish at info@nebroadway.com.
District Coalition: Northeast Coalition of Neighborhoods, Chris Lopez at 503-823-4575.
Other Designations: Contributing resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.

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 proposes to replace the existing metal roll-up garage doors on the NE Broadway façade with custom wood and divided-light fixed panels with one panel serving as an entry door to facilitate an alternate commercial use in the space.

Because the proposal is for non-exempt exterior alterations in a historic district, historic design 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:

- 33.846.060.G *Other Approval Criteria*

ANALYSIS

Site and Vicinity: The subject property is located at the southeast corner of the Irvington Historic District at the northeast corner of the intersection of NE Broadway and NE 27th Avenue. The building is an L-shaped Spanish Revival four-plex, built in 1927 with white stucco walls, and red tile roof details. Many of the original wood divided-light windows remain. Elevated from the street, the building has a garage with two roll-up doors facing NE Broadway. The City's Transportation System Plan designates NE Broadway as a City Walkway, Regional Main Street, Major City Traffic Street, and a Major Transit Priority Street.

The Irvington Historic District was platted in 1887 and was one of the first subdivisions in Portland to employ restrictive covenants, including uniform setbacks, minimum construction expenditures, the exclusion of minorities and the exclusion of non-residential uses. The few non-residential uses allowed at the interior of the district were required to be designed to resemble residential buildings. Development of the neighborhood spread slowly from the south east corner toward the northeast, following the patterns of streetcar development, first along NE Broadway, followed by extensions north into the neighborhood. As the restrictive covenants expired, more commercial development occurred at the edge of the subdivision along NE Broadway through conversion of residential properties and new development. The district comprises an eclectic assortment of late 19th and early 20th century architectural styles, including Queen Anne, Craftsman, and Period Revival styles. Garages built during the period of significance were either built at the same time as the associated residences for the later developments, or were later additions to the earlier residences, and were most commonly located at the rear or front of the property.

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 prior land use reviews for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on February 4, 2013. The following Bureaus have responded with no issues or concerns about the proposal:

- Life Safety Division of BDS responded with the following comment: "It is recommended the applicant visit the Development Services Center to research the current Occupancy Classification and Building Code requirements associated with a possible change of occupancy, including but not limited to: seismic upgrades and system development fees." The Life Safety Plans Examiner also noted that a separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. Please see Exhibit E-1 for additional details.

Staff Response: The applicant applied for a Building Code appeal to reduce the required interior ceiling height from 7'-6" to the existing interior ceiling height of 7'-3½". The Administrative Appeal Board found that the "modifications or alternate methods are consistent with the intent of the code; do not lessen the health, safety, accessibility, life,

fire safety, or structural requirements; and that special conditions unique to this project make strict application of those code sections impractical.” The appeal was granted, though it was noted that other building code requirements, such as minimum door width (36”), were not waived.
See Exhibit G-4 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 4, 2013. One written response was received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, Land Use Committee Chair for the Irvington Community Association, wrote on February 24, 2013, stating that the Committee has no objections to the proposal. Please see Exhibit F-1 for additional details.

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 within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore Historic Design Review approval is required. The approval criteria are those listed in 33.846.060 G – Other Approval Criteria.

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

33.846.060 G - Other Approval Criteria

1. Historic character. The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

Findings: The majority of the property is to remain unaffected by the proposed changes. The roll-up garage doors proposed for removal are not historic and do not add to the building's historic character. The applicant has indicated that extant portion of the historic garage door frames will remain intact with only non-original portions to be removed in order to accommodate the new door and panels. *This criterion is met.*

2. Record of its time. The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

Findings: The majority of the resource will remain unchanged. The introduction of commercial space at the ground level, below residential units, was a common alteration on many of the resources along NE Broadway, particularly due to the former existence of a streetcar running along this road. Commercial spaces appeared with more frequency after the expiration of the 25-year restrictive covenants in this neighborhood. Many of these commercial spaces were constructed as one-story rectangular structures in front of the houses. The current proposal continues this tradition but within the building envelope. The resource, as a whole, will remain a record of its time. *This criterion is met.*

3. Historic changes. Most properties change over time. Those changes that have acquired historic significance will be preserved.

4. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

9. Preserve the form and integrity of historic resources. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

Findings for 3, 4, 5, and 9: The proposal is to remove two roll-up metal garage doors and replace them with partially glazed wood panels and a door. The doors to be removed are not original and have not acquired historic significance. The majority of the resource and its historic features will remain intact, with no alteration to historic material. No chemical treatments are proposed. The essential form and integrity of the resource will be preserved. *These criteria are met.*

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: No archaeological resources will be disturbed. *This criterion is met.*

7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 7, 8, and 10: The proposed fixed wood panels and man door are designed to be reminiscent of wood carriage doors but will not give a false appearance of historicity, as they will operate differently than traditional carriage doors. Though not constructed exactly as designed, the original plans for the building show that the garage doors were to be wood accordion panels with staggered panes of glass to provide natural daylight. The proposed panels are of similar design to the original doors, but the glass panes are more reflective of the existing divided light windows in the building. The proposed panels and man doors are architecturally compatible with the building in their scale and material and historical reference. The proposed alterations are also compatible with immediately adjacent properties and the district as a whole in that a number of adjacent properties are one-story commercial buildings that developed as NE Broadway became the commercial center of the Irvington neighborhood. The proposed alterations will facilitate the continuation of this tradition. *These criteria 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 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 applicant proposes to remove non-historic garage doors and replace them with custom partially-glazed wood panels and a man door to facilitate the conversion of a garage to commercial use. NE Broadway is the commercial center of the Irvington Historic District and has a long history of commercial additions and alterations to residential properties. The proposal continues this tradition on NE Broadway and does so in a manner that is compatible with the historic resource and the historic district. The purpose of the Historic Design 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 Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations in the Irvington Historic District, including replacement of the existing metal roll-up garage doors on the NE Broadway façade with custom wood and divided-light fixed panels with one panel serving as an entry door to facilitate an alternate commercial use in the space. This approval is per the approved site plans, Exhibits C-1 through C-4, signed and dated March 11, 2013, subject to the following conditions:

- 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 through C-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-198279 HDZ."

Staff Planner: Hillary Adam

Decision rendered by:  **on March 11, 2013.**

By authority of the Director of the Bureau of Development Services

Decision mailed March 14, 2013.

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 October 24, 2012, and was determined to be complete on January 8, 2013.

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 October 24, 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.

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.

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 **March 15, 2013**.

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:

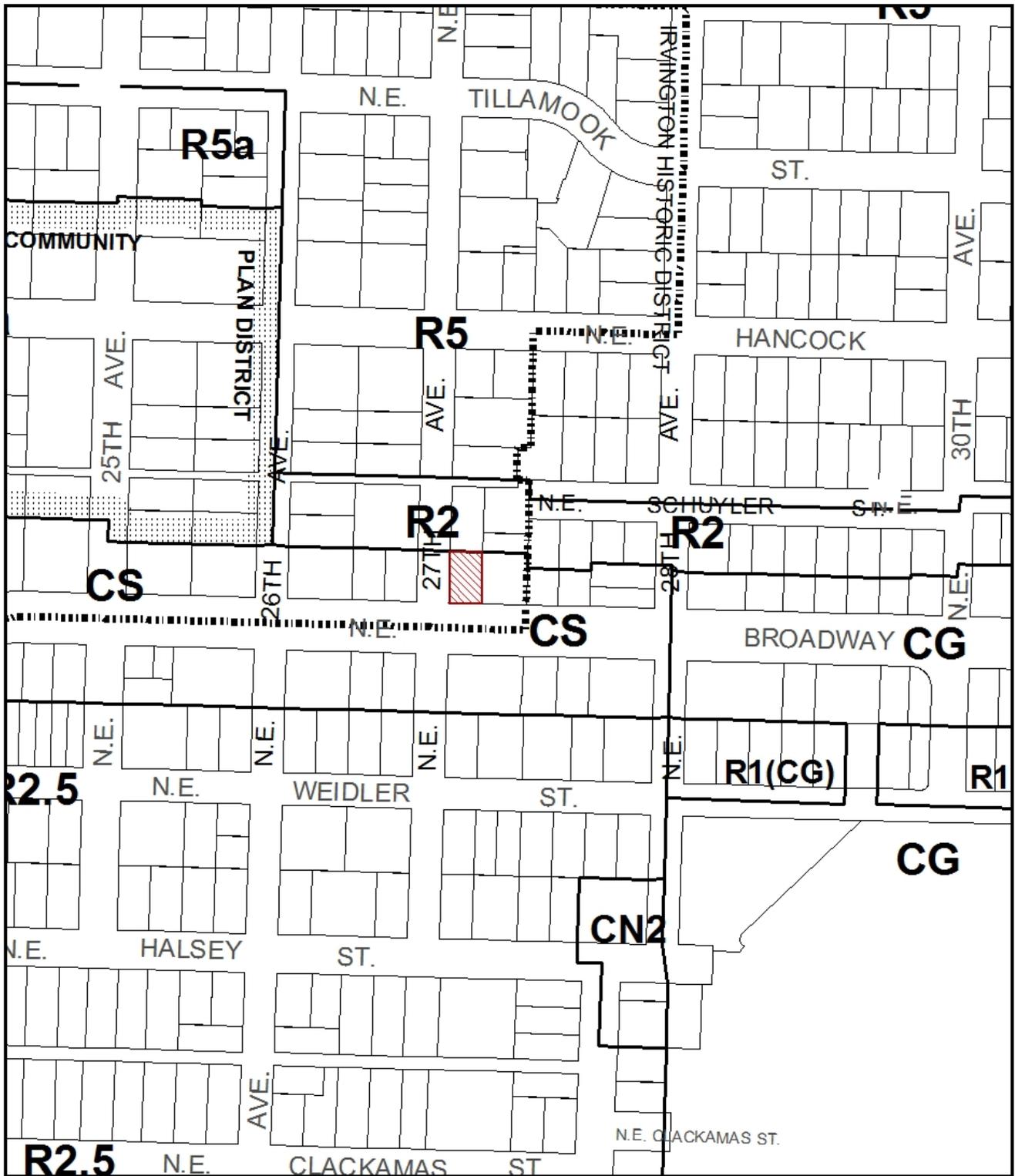
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation (attached)
 - 3. Details
 - 4. Door Section
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Division of BDS
- F. Correspondence:
 - 1. Dean Gisvold, Land Use Committee Chair for the Irvington Community Association, wrote on February 24, 2013 with no objections.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, dated November 1, 2012
 - 3. National Register Information
 - 4. Building Code Appeal Decision

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



This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 12-198279 HDZ
 1/4 Section 2833
 Scale 1 inch = 200 feet
 State_Id 1N1E25CC 9100
 Exhibit B (Oct 25, 2012)

VARA LLC

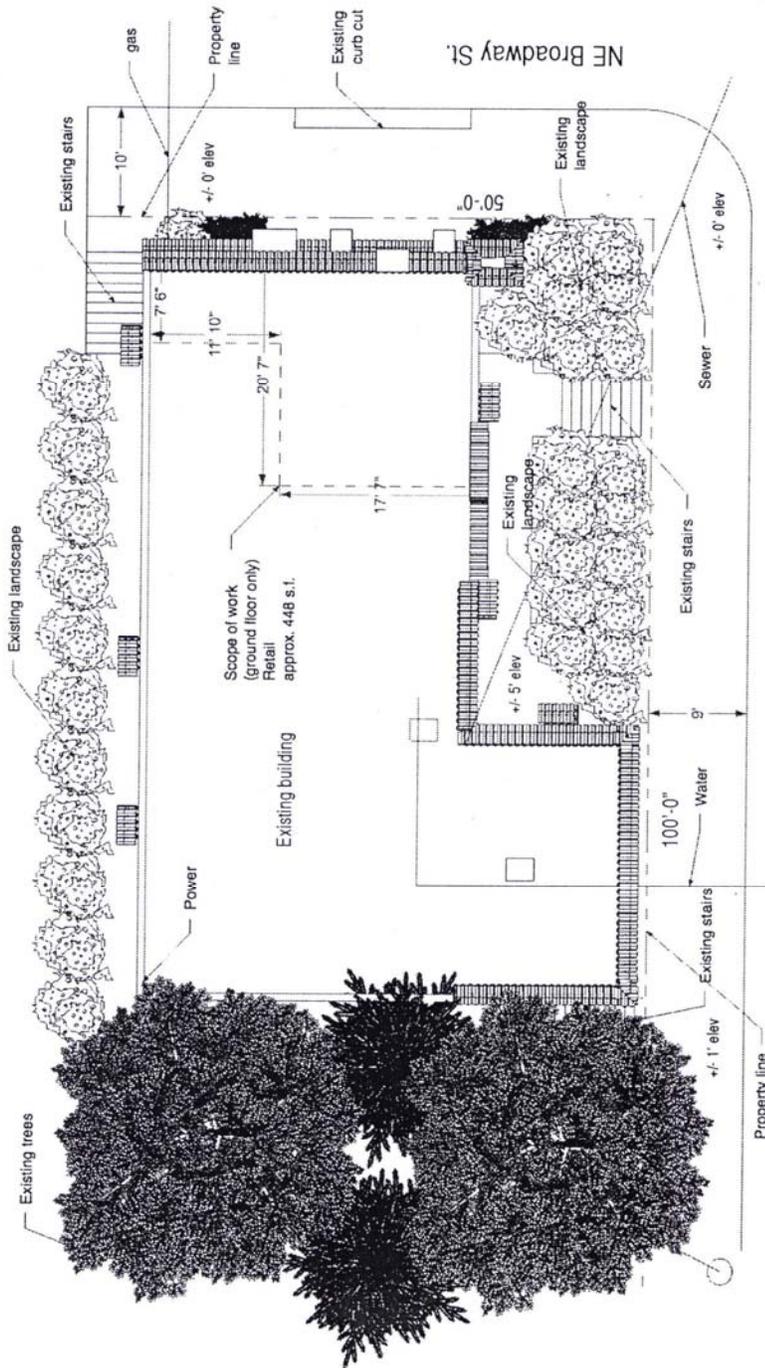
5405 SE Sherman
Portland, OR 97215
job@varabuild.com
503-709-2442
CCB # 195442

Alterations to
1702-1714 NE 27th
Portland, OR 97212

Historic Review

Site plan

A1.0



NE 27TH AVE

1" = 10'-0"

Approved
City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 3/11/13

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

Building project: 448 s.f.
 Area: unfinished basement = 2114 s.f.
 main = 2527 s.f.
 built in garage = 360 s.f.
 Total = 5001 s.f.
 Construction type: VB
 Occupancy: R2 apartment
 M market
 Sprinklers: no
 Occupancy separation: 2 hr.

Code Summary
 Max ht: 45'
 Min set backs: 0'
 Max set backs: 10'
 Ground floor windows: yes
 Pedestrian regulations: yes
 (33.130.230)
 (33.130.240)
 Parking required: none

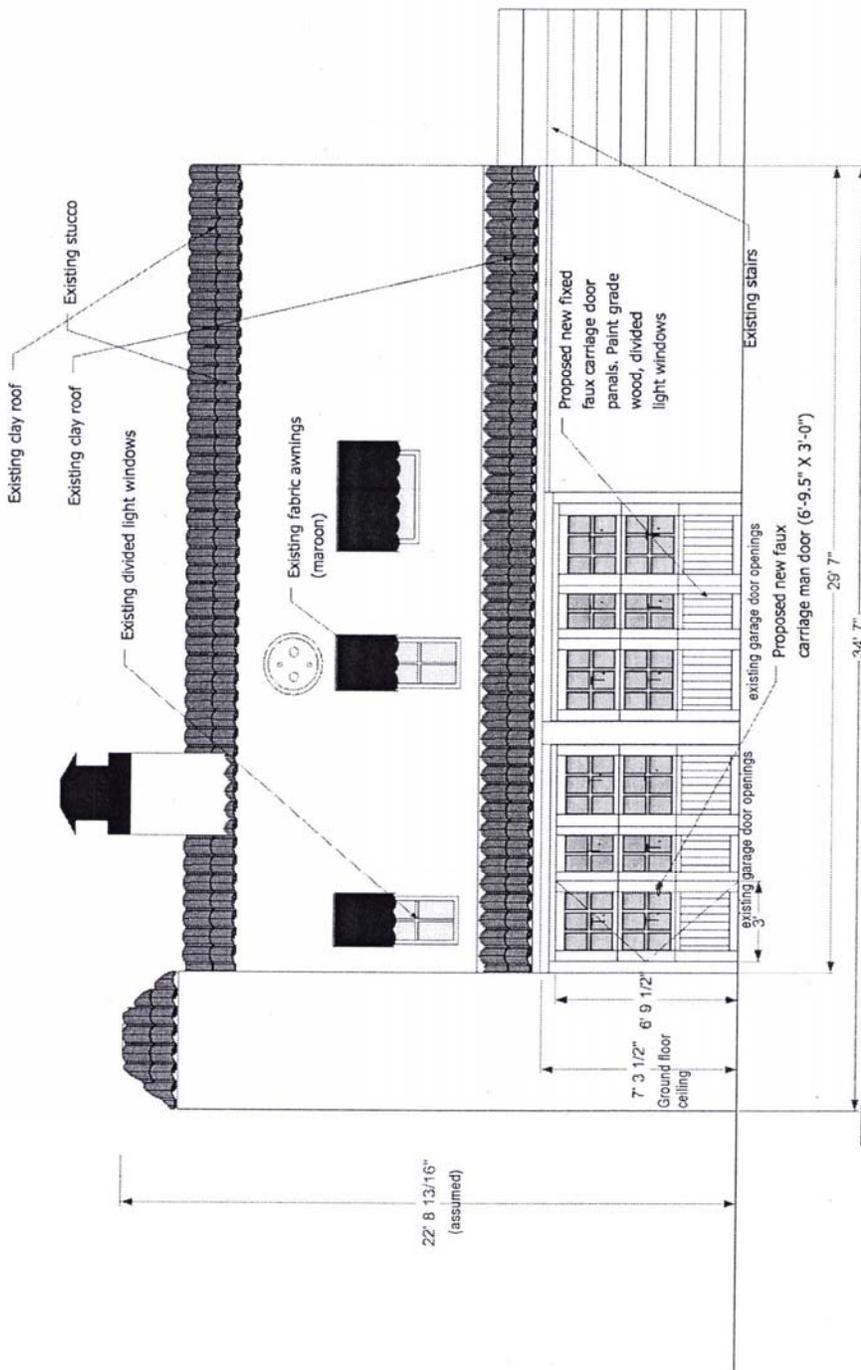
VARA LLC
 5405 SE Sherman
 Portland, OR 97215
 job@varabuild.com
 503-709-2442
 CCB # 195442

Alterations to
 1702-1714 NE 27th
 Portland, OR 97212

Historic Review
 Illustration of proposed
 changes

South Elevation

A1.1



Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 3/11/13
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Ground floor
 wall area: 206 s.f.
 length: 29'-7"
 Windows
 area: 65 s.f.
 length: 16'-2"

South Elevation 1/4" = 1'-0"