



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

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www.portlandoregon.gov/bds

Date: March 14, 2013
To: Interested Person
From: Chris Caruso, Land Use Services
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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 13-103502 HDZ CINEMA 21 EXITS

GENERAL INFORMATION

Applicant/Contact: Shem Harding/Deca Architecture, Inc.
935 SE Alder/Portland, OR 97214

Tenant: Tom Ranieri/Cinema 21
616 NW 21st Ave/Portland, OR 97209

Owner: Cronin & Caplan, Inc.
PO Box 23999 / Tigard, OR 97281

Site Address: 636 NW 21ST AVE

Legal Description: BLOCK 10 TL 5300, KINGS 2ND ADD
Tax Account No.: R452301730
State ID No.: 1N1E33BD 05300
Quarter Section: 2927
Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Mike Conklin at 503-226-6126.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest – Alphabet Historic
Other Designations: Contributing structure
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 design review approval in the Alphabet Historic District for exterior alterations to the Sidney Zitosch Building, a contributing resource built in 1925 in the Neoclassical style. The proposed work includes removing modern storefront glazing and doors in two structural bays along the north facade and installing four new doors, two sets of recessed plaster walls, and two exposed timber soffits with overhead light fixtures, one in each bay. Three options for rooftop mechanical equipment are also included in the proposal.

The items that are being removed were installed as part of an earlier renovation and are not original to the building.

Relevant Approval Criteria:

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

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

ANALYSIS

Site and Vicinity: The site is a 10,000-sq. ft. corner lot with frontages on NW Irving Street and NW 21st Avenue, and is within the NW Pedestrian District. NW 21st Ave. is a designated Transit Assess Street and a Neighborhood Collector. The site is developed with a 2-story 20,000-sq. ft. building, which has been listed as a Secondary Contributing Structure to the Alphabet Historic District. The surrounding area is a busy mixed-use district with shops, residences, offices, and restaurants.

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 predominantly 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.

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

1. LU 05-165391 HDZ – Approval of exterior alterations to the building.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **February 1, 2013**. The following Bureaus have responded with no issues or concerns about the proposal:

- Life Safety Review Section of BDS (Exhibit E-1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 1, 2013**. 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.

Historic Alphabet District - Community Design Guidelines Addendum

1. Historic Changes. Most properties change over time; those changes that have acquired historic significance will be preserved.

Findings: The existing storefront that is being removed as part of this proposal was installed in the 1990's. Due to this installation date, the material has not achieved historic significance. *This criterion is therefore met.*

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 proposed doors, plaster panels, soffits, and light fixtures are all recessed into existing structural bays, making them visually distinct from the original material around the bays. No historic materials are being removed or replaced as part of this proposal. This portion of the building will blend in with similar buildings in the area, allowing the structure to remain compatible with the desired qualities of the district. *This criterion is therefore met.*

3. Hierarchy of Compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a historic or conservation district, with the rest of the District. Where practical, compatibility will be pursued on all three levels. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

Findings: The proposed new storefront system is consistent with the design of adjacent buildings' ground floors which serve the needs of multiple commercial tenants for customer egress and back-of-house operations. The new doors and plaster infill panels will allow this portion of the building to blend in with similar buildings in the district. *This criterion is therefore met.*

Community Design Guidelines

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.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Findings for P2 & D7: The proposed new egress and service doors and plaster wall system is modest change to this Secondary Contributing Structure, and allows the existing structural bay system to be fully expressed. The wall panels and doors are consistent in material type, placement within building openings, and scale with neighboring buildings along both streets. The proposal will enhance the neighborhood's identity of a historic pedestrian-oriented commercial street by providing recessed doorways, sidewalk-oriented lighting, and textural materials such as plaster and exposed timber. *These guidelines are therefore met.*

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

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

E5. Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection,

wind, and rain.

Findings for E1, E3 & E5: The existing sidewalks will remain and pedestrian movement will not be blocked as the proposed egress doors are pulled back from the property line so that they do not swing out into the path of travel. The street level façade will be articulated with a series of more solid recessed plaster walls and a mix of glazed and solid doors. Soffits and overhead lighting will be provided above each recessed bay which creates a visual distinction of the street level façade from the upper story's multi-pane windows, flush-mounted windows. The two recessed bays will provide weather-protected areas for pedestrians. *These guidelines are therefore met.*

D5. Crime Prevention. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings: New overhead lighting and visually open areas along the building will provide nighttime security with views into the entire area of both recessed doors. These elements will increase the ability for casual surveillance of the street, which is a crime deterrent. *This guideline is therefore 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 & D8: The proposed new recessed bays with doors and plaster walls and the simple rooftop mechanical equipment located near the center of the roof are all modest in size, and are compatible in scale, materials, and detail to the building's existing storefront and rooftop equipment systems. The proposal will use high quality materials such as aluminum, framed doors and windows, solid metal doors, heavy timber, and exterior-grade plaster and will add to the visual interest of the façade. *These guidelines are therefore 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 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. The proposed building alterations to the two north-facing structural bays respect the original design of this Secondary Contributing Resource as well as the character of the Alphabet Historic District. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations in the Alphabet Historic District to the Sidney Zitosch Building, a secondary contributing resource built in 1925 in the Neoclassical style, that includes the following:

- Removing modern storefront glazing and doors in two structural bays along the north façade;

- Installing four new doors, two sets of recessed plaster walls, two exposed timber soffits, 2 overhead soffit light fixtures; and
- Three options for the size and location of a rooftop mechanical unit.

Approved per the approved site plans, Exhibits C-1 through C-8 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-C.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-103502 HDZ."

Staff Planner: Chris Caruso

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 January 10, 2013, and was determined to be complete on **January 30, 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 January 10, 2013.

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: May 31, 2013.**

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 14, 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.

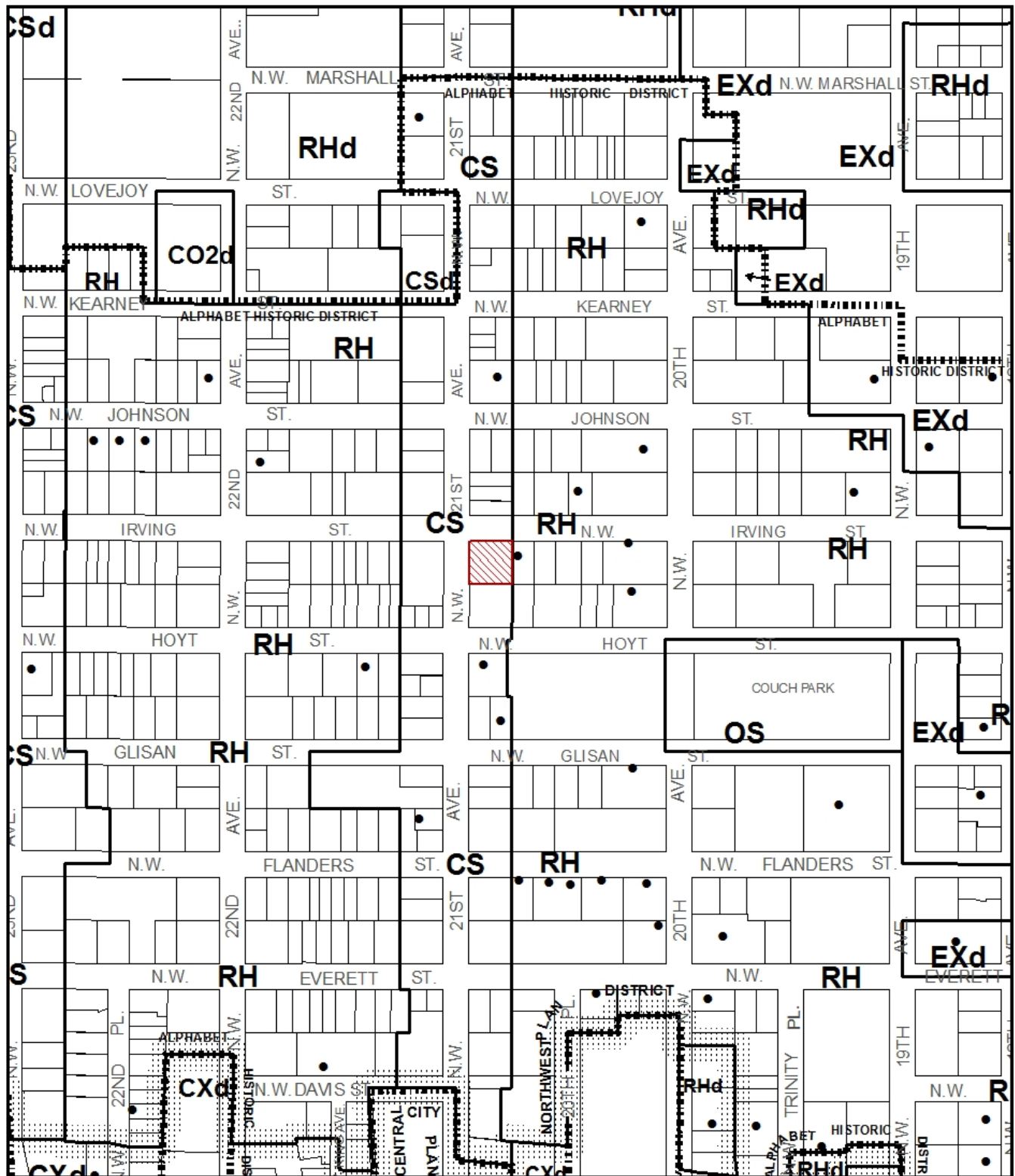
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)

2. North Elevation (attached)
 3. Enlarged Floor Plan
 4. Roof Plan
 5. Wall Section A
 6. Wall Section B
 7. Storefront Details
 8. Lighting
 9. Ground Floor Window Calc
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Life Safety Review Section of BDS
- F. Correspondence: none received
- G. Other:
1. Original LU Application
 2. Incomplete Letter

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



NORTH

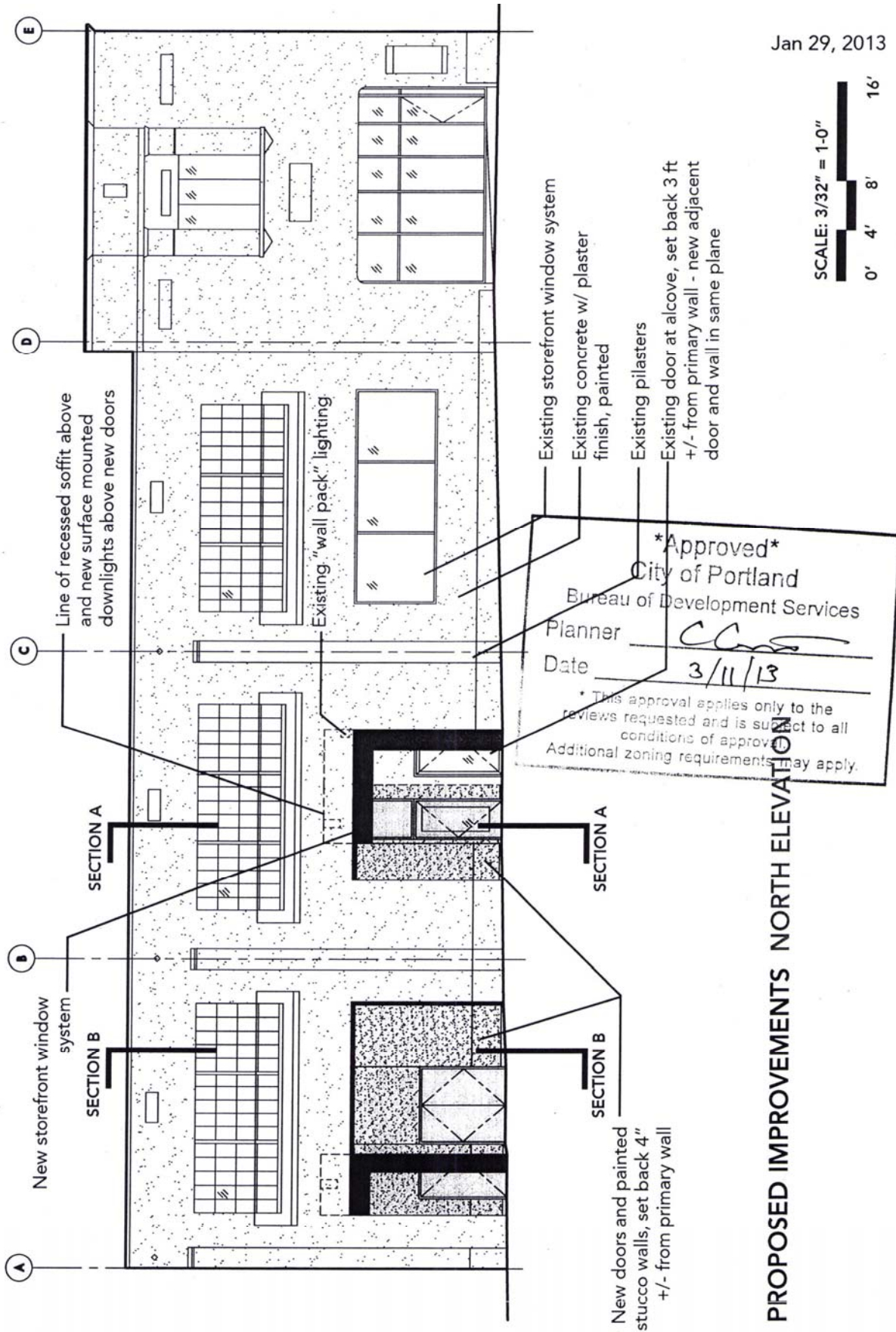
| | |
|-------------|-------------------|
| File No. | LU 13-103502 HDZ |
| 1/4 Section | 2927 |
| Scale | 1 inch = 300 feet |
| State_Id | 1N1E33BD 5300 |
| Exhibit | B (Jan 14, 2013) |

Jan 29, 2013

SCALE: 3/32" = 1'-0"

0' 4' 8' 16'

NOTE: soffit lighting is surface mounted to existing timber structure - will require short run (2-4 ft) of exposed conduit over to new wall, see section



Approved

City of Portland

Bureau of Development Services

Planner CC

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.

PROPOSED IMPROVEMENTS NORTH ELEVATION