

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

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

FROM CONCEPT TO CONSTRUCTION

Date: May 05, 2015

To: Interested Person

From:Arthur Graves, Land Use Services503-823-7803 | Arthur.Graves@portlandoregon.gov

NOTICE OF A TYPE II 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, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website

<u>http://www.portlandonline.com/bds/index.cfm?c=46429</u>. 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 15-120791 HR: EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant:	Lorraine Guthrie, Architect 503.804.5725 2748 SW Patton Court Portland OR 97201
Owner:	Robert Sacks 1532 SW Morrison St #1000 Portland, OR 97205
Site Address:	500-510 NW 23 rd Avenue
Legal Description: Tax Account No.: State ID No.: Quarter Section: Neighborhood: Business District: District Coalition: Plan District: Other Designations: Zoning:	BLOCK 17 LOT 17&18 TL 300, KINGS 2ND ADD R452302950, R452302950 1N1E33CB 00300, 1N1E33CB 00300 3027 Northwest District, contact John Bradley at 503-313-7574. Nob Hill, contact Mike Conklin at 503-226-6126. Neighbors West/Northwest, contact Mark Sieber at 503-823-4212. Northwest Contributing resource in the Alphabet Historic District, listed in the National Register of Historic Places on November 16, 2000. CS: Storefront Commercial
Case Type: Procedure:	HR: Historic Resource Review Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant requests Historic Resource Review approval for exterior alterations to the 1906 contributing resource known as the Alfred C. F. Burkhardt House. Specific alterations are intending to provide direct access from the adjacent sidewalk right-of-way to a remodeled basement tenant space and include the following:

• The removal of five non-original windows:

- Two of which are approximately 3.5 x 5.5 feet in size and are located on the first floor of the west façade.
- $\circ~$ The remaining 3 windows to be removed are basement windows measuring approximately 1.5 x 8 feet in size and are directly below the previously mentioned windows to be removed.
- A new wood door and display window, totaling approximately 3.5 x 6.5 feet in size, are proposed to be located in the area where the windows are to be removed.
- Transom wood windows are additionally proposed above the new door and display window to add continuity with the existing widow pattern found on the building.
- New blade sign approximately 3.75 square feet in size

The proposal is for non-exempt exterior alterations to a building designated as a Historic Landmark. Therefore, the proposal must undergo Historic Resource Review prior to the issuance of building permits.

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
- Historic Alphabet District: Community Design Guidelines Addendum.

ANALYSIS

Site and Vicinity:

The 5,669 SF site is located at the corner of NW 23rd Avenue and NW Glisan Street in the Alphabet Historic District. The site is occupied by a two-and a half story building constructed in 1906 with retail storefronts at the ground floor and basement levels and with apartments on the second floor. The site is a contributing structure within the district and is mentioned in the National Register of Historic Places to be a, "fair example of a Shingle Style commercial building" within the district.

The surrounding buildings are primarily multi-dwelling structures along NW Hoyt Street and mixed-use and commercial along NW 23rd Avenue. Early 20th century large single-family and multi-family dwellings characterize the neighborhood, with mixed-use and commercial structures along the primary transit streets.

Regarding area context and amenities, the site is situated in a location that has access to a number of the amenities that typify what many consider the essence of Portland livability. Within a comfortable (meaning level grade) 5 minute or quarter-mile walk from the site are the scores of restaurants, retail outlets, galleries and eclectic shops that line NW 23rd Avenue and NW 21st Avenue. Also within this walkable distance is Legacy Good Samaritan Hospital, a Parr Lumber, Les Schwab, Chapman Elementary School (home to the bi-annual Vaux swift migrations) and Linfield College Portland Campus. The site is nearly equidistant from the 2.5 acre Couch Park to the southeast and the 5.5 acre Wallace Park to the northwest.

Regarding public transportation, the site is well served with a number of options and alternatives. The street car runs four blocks north, on Lovejoy, continuing east to the Pearl District, Downtown and the University District. Frequent (defined by Trimet as at least every 15 minutes) bus transit service operates on 23rd Avenue through the #15. Both NW 23rd at Flanders continuing south and NW Flanders east and west of NW 23rd are designated as City Bikeways within the City's Transportation Service Plan (TSP). The area is also within the Northwest Pedestrian District.

Zoning:

The <u>Storefront Commercial</u> (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 <u>Historic Resource Protection</u> 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:

1. <u>LUR 97-015188 (reference file # 97-01142</u>: Approval for two adjustments to zoning code requirements.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **March 19, 2015**. The following Bureaus have responded with no issues or concerns:

• Bureau of Development Services Life Safety / Building Code Section: David Jones: March 30, 2015. (Exhibit E-1)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 19, 2015. 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 Alphabet Historic District and the proposal is for a non-exempt treatment. Therefore Historic Resource 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.

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.

Findings for 1, 2 and 3: The site, known as the Alfred C. F. Burkhardt House, was built in 1906 and as a way to accommodate various commercial and retail tenants it has undergone a number of mostly interior alterations over the years. Exterior alterations have resulted in the installation of aluminum windows on the south and west elevations. The proposed alterations are in an area of the contributing structure that until 1996 was the location of an existing storefront entrance. The proposed windows to be removed are a product of this earlier storefront alteration and while similar in size, style and design to the original windows, they are not historically authentic. The proposed alterations will reestablish an entry in the historically accurate location with design features and historic elements that are respectful and compatible with the existing building and the district as a whole. These elements include incorporating existing wood trim, shingle and window details found on the building and original to the structure into the proposed new storefront. In addition the scale of the features within the proposed alteration are consistent with existing window locations and heights throughout the building and so help the proposed alterations to integrate into the contributing building. Therefore these criterion are met.

Community Design Guidelines

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.
P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

Findings for P1 and P2: The proposed storefront alterations help to contribute and enhance the place and identity of the plan area character through the incorporation of design elements that contribute to the vibrant and pedestrian-oriented streetscape. The current location of the proposed storefront alteration is an underused area of the west elevation of the building. This is due to the fact that the only storefront for this building fronting NW 23rd is located at the southeast corner of the building, leaving close to 50 feet of elevation at the sidewalk level that pedestrians can neither easily view into nor directly access. The proposed alterations mollify this and provide added retail and pedestrian activity to this area of the building at the northeast corner. In addition to providing increased activity and access the proposed alterations are consistent architecturally with the contributing structure. In an effort to incorporate historically accurate detailing the proposed alterations will utilize existing wood trim, shingle and window details found on the building and original to the structure into the new storefront system. This will include the reuse of upper window sections from the windows to be removed for use as transom windows. The shingle pattern seen at the gable ends will be incorporated into the area between the proposed transom and new doors. And existing mullion, jamb and head profiles will be constructed on site as a measure of assurance to the accuracy of the proposed details and to complement the historic district and building. Therefore these criterion are 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.

E2. Stopping Places. New large-scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest.

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.

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Findings for E1, E2, and E3: The proposed storefront alterations will increase activity and pedestrian interest in this area of the building and by extension create a more pleasant link along the NW 23rd retail corridor. Through incorporating both a new retail entryway and additional window display area the proposed alterations are providing increased areas of interest at the sidewalk level and scale for pedestrians to stop, visit and interact. *Therefore these criterion are met.*

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian-accessible, and transit-oriented.

Findings: The proposed storefront is not intending to be the main entrance of the contributing resource, which is located at the south west corner of the building. While the proposed storefront alterations are in character and consistent with other window and door features found on the building the new alterations are not designed in a way that draws attention away from the strong existing main entry at the corner. *Therefore this criteria is 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.

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.

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, D7 and D8: The proposed storefront alterations including a new wood door, wood window, shingle pattern infill and upper window transom are compatible in design and character with existing features on the contributing structure. The proposed transom windows are both a reuse of the existing widows that are being removed and an effective strategy to maintain the existing datum across the west elevation. The proposed shingle infill is an architectural detail seen in the gables of the building. The proposed door and window are both of a similar scale and style to other features on the structure and so help respect and integrate the new design into the building. In addition, all trim, head, jamb and mullion profiles will match those existing on the building. The attention to existing architectural details found on the building regarding style, scale, material, mass and character help to insure that this alteration will be long lasting and continue to be a contributing building and asset to the Historic Alphabet District. *Therefore these criterion 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 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 storefront alterations to the northwest corner of the west elevation of the Alfred C. F. Burkhardt House, including the installation of a new wood retail entry door, adjacent wood

window and wood transom windows and installation of blade sign, per the approved site plans, Exhibits C-1 through C-5, signed and dated April 29, 2015, 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.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-120791 HR. <u>No field changes allowed."</u>
- B. The proposed blade sign must be raised so that per Sign Code (Title 32) 32.42.010.C.3 the, "...the bottom of the structure must be at least <u>8 feet</u> above the ground".

Staff Planner: Arthur Graves

Decision rendered by:



By authority of the Director of the Bureau of Development Services

Decision mailed: Tuesday, May 05, 2015.

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 February 18, 2015, and was determined to be complete on **March 16, 2015**.

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 February 18, 2015.

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: Friday, July 10, 2015.**

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.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on Tuesday, May 19, 2015** at

on Wednesday, April 29, 2105

1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional 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.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- Unless appealed, The final decision may be recorded on or after Wednesday, May 20, 2015

 (the day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

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:

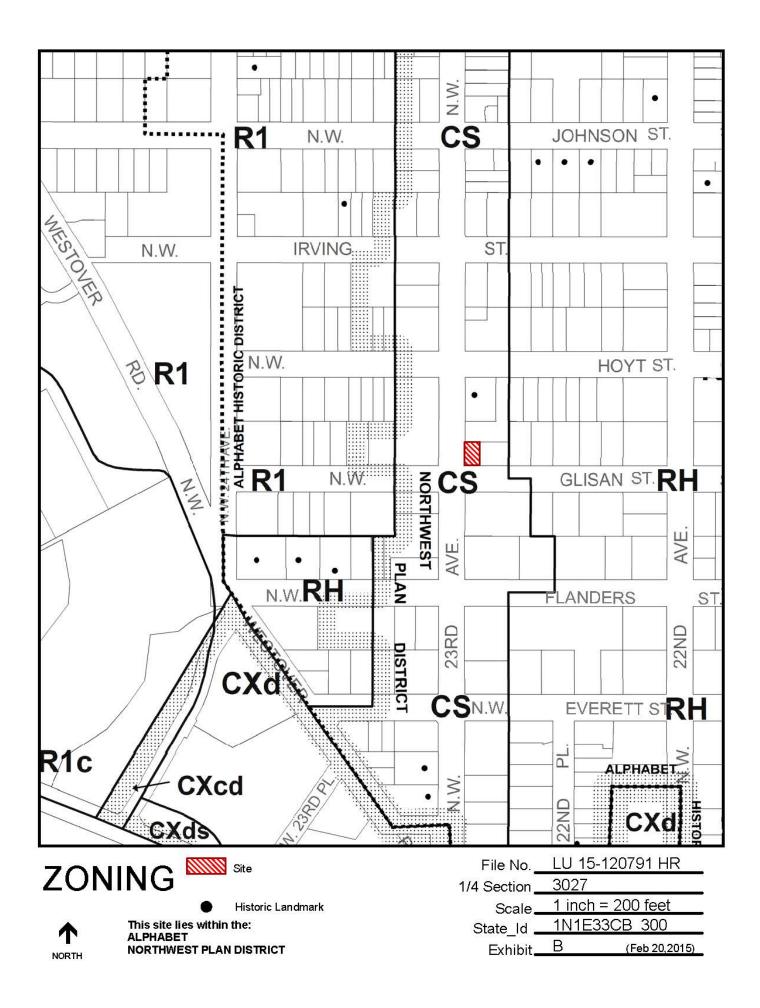
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

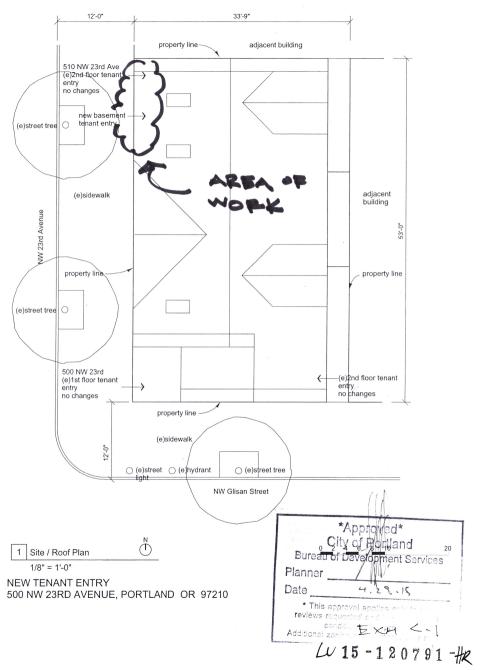
EXHIBITS

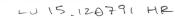
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's Statement
 - 2. Photos
 - 3. Historic Documentation
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Site Floor Plans
 - 3. Elevations: Existing (South and West), Proposed (West) (attached)
 - 4. Window and Door Details
 - 5. Manufacture's cut sheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Development Services: Life Safety/Building Code Section: March 30, 2015.
- F. Correspondence: None Received
- G. Other:
 - 1. Original LU Application
 - 2. Historic Information
 - 3. Staff site pictures

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).







EXH C-2

Bureau of Development Services

allowed may apply.

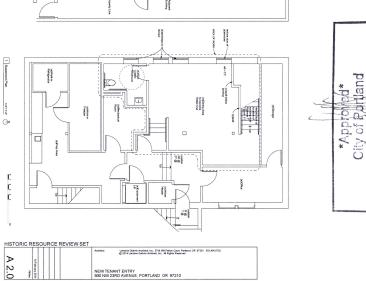
and is subject to all

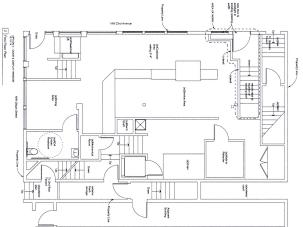
* This apprend applies only to the

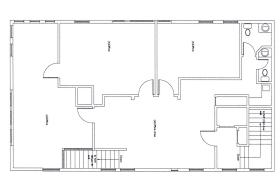
4.23.15

Planner

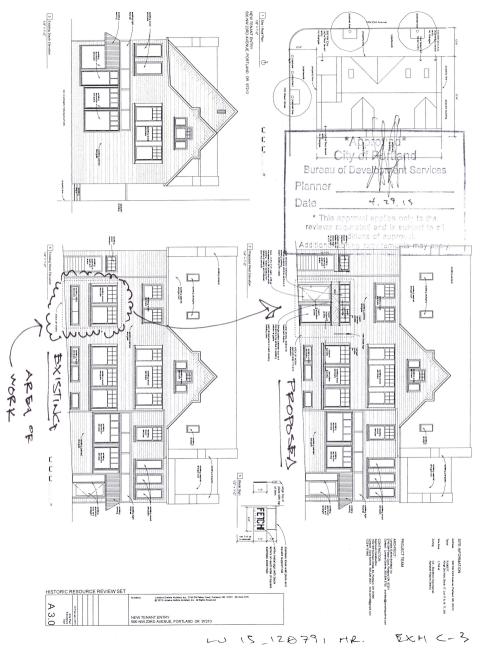
Date

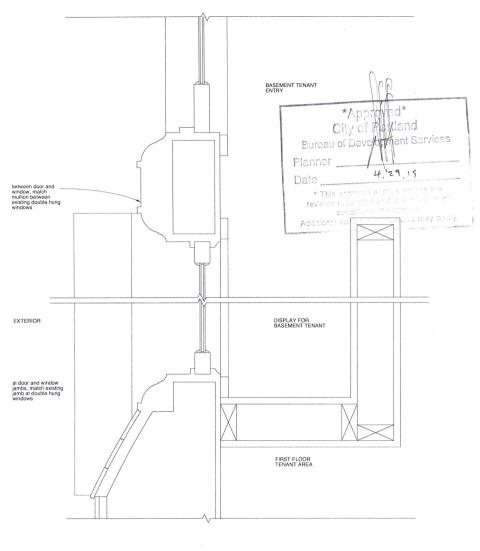






3 Second Floor Plan

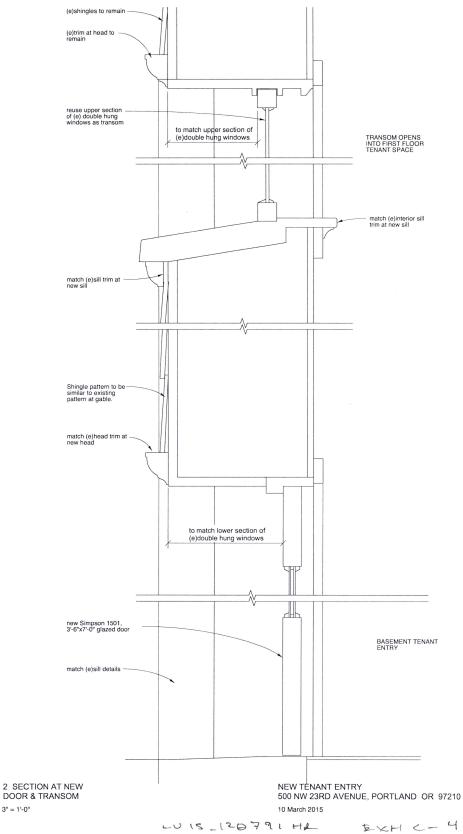




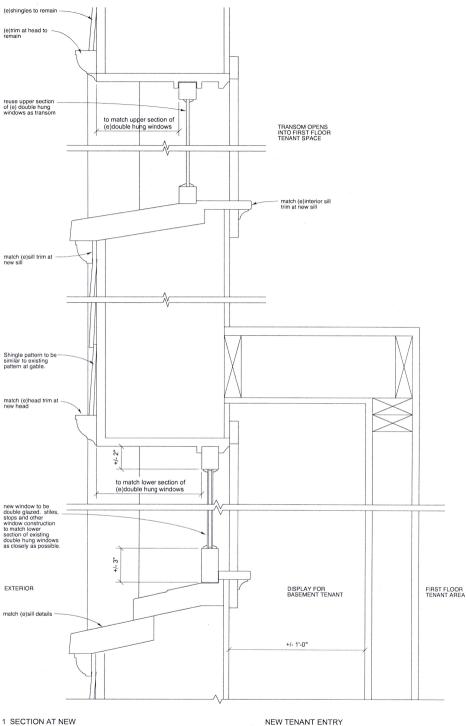
3 PLAN DETAIL AT JAMBS 3" = 1'-0"

NEW TENANT ENTRY 500 NW 23RD AVENUE, PORTLAND OR 97210 10 March 2015 EXH C- 4

LUIS_120791 HA



3" = 1'-0"



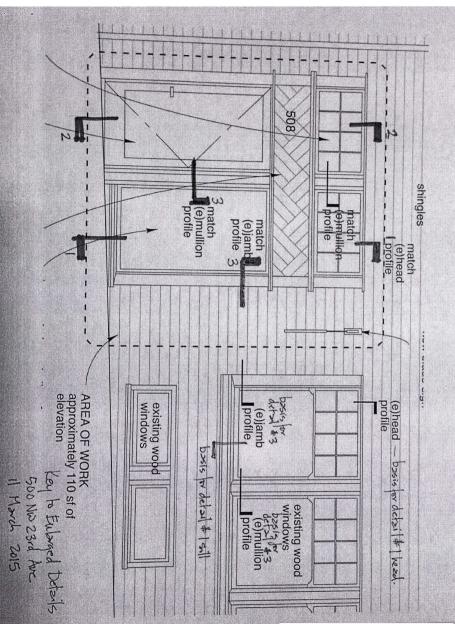
1 SECTION AT NEW WINDOW & TRANSOM

500 NW 23RD AVENUE, PORTLAND OR 97210 10 March 2015

LU 15_120791 HA

EXH C- 4

3" = 1'-0"



LU 15_120791 HA

EXH C-





View Detailed Drawing

EXTERIOR FRENCH

1501

SERIES: Exterior French & Sash Doors TYPE: Exterior French & Sash

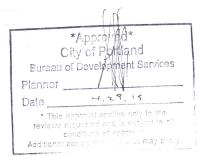
MATCHING COMPONENTS

Traditional Sash Sidelight (1701)

STANDARD FEATURES

Available in Any Wood Species

Available in Virtually Any Size



http://www.simpsondoor.com/find-a-door/default.aspx?view=detail&doorType=Exterior&B... 3/3/2015 EXH C-5

LJ 15 - 12 0791 HE