

**IN THE CITY COUNCIL OF THE  
CITY OF  
PORTLAND OREGON**

**IN THE MATTER OF APPEALS  
BY THE NORTHWEST DISTRICT NEIGHBORHOOD ASSOCIATION AND  
TONY SCHWARTZ  
OF PORTLAND HISTORIC LANDMARKS COMMISSION APPROVAL OF HISTORIC  
RESOURCE REVIEW WITH MODIFICATIONS AND ADJUSTMENT REVIEW  
FOR 1727 NW HOYT**

**LU 18-187493 DZM AD**

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**FINDINGS AND CONCLUSIONS**

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**ADOPTED BY THE CITY COUNCIL ON  
\*\* DECEMBER 19, 2018 \*\*  
  
(DENIAL of the APPEALS)**

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PORTLAND, OREGON

IN THE MATTER OF AN APPEALS  
BY NORTHWEST DISTRICT NEIGHBORHOOD ASSOCIATION AND TONY SCHWARTZ  
OF A TYPE III HRM-AD REVIEW FOR 1727 NW HOYT

LU 18-187493HRM AD

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FINDINGS AND CONCLUSIONS

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The findings and conclusions of the City Council in this matter are set forth below.

**I. GENERAL INFORMATION**

**Appellant #1:** Northwest District Neighborhood Association (NWDA)  
c/o JoZell Johnson, NWDA Secretary  
533 NW 18th Ave., Portland, OR 97209  
(503) 227-2864, [secretary@northwestdistrictassociation.org](mailto:secretary@northwestdistrictassociation.org)

**Appellant #2:** Tony Schwartz  
520 SW 6<sup>th</sup> Ave. #600, Portland, OR 97204  
(503) 505-4674, [tonyschwartz.law@gmail.com](mailto:tonyschwartz.law@gmail.com)

**Applicant/Rep:** Stephen McMurtrey, Northwest Housing Alternatives  
13819 SE McLaughlin Blvd., Milwaukie OR 97222  
(503) 654-1007, [mcmurtrey@nwhousing.org](mailto:mcmurtrey@nwhousing.org)

Michelle Black, Carleton Hart Architecture  
830 SW 10th Ave Suite 200, Portland OR 97205  
(503) 206-3192, [michelle.black@carletonhart.com](mailto:michelle.black@carletonhart.com)

**Owner:** Mark P O'Donnell, Jane Enterprises LLC  
8680 SW Bohmann Pkwy, Portland, OR 97223

**Site Address:** **1727 NW HOYT ST**

**Legal Description:** BLOCK 162 LOT 2&3 S 1' OF LOT 6, COUCHS ADD; BLOCK 162 N 49' 11' OF LOT 6, COUCHS ADD; BLOCK 162 LOT 7, COUCHS ADD

**Tax Account No.:** R180214490, R180214510, R180214530  
**State ID No.:** 1N1E33AC 04200, 1N1E33AC 04300, 1N1E33AC 04400  
**Quarter Section:** 2928  
**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.  
**Business District:** Nob Hill, contact Nob Hill at [nobhillportland@gmail.com](mailto:nobhillportland@gmail.com)., Pearl District Business Association, contact at [info@explorethepearl.com](mailto:info@explorethepearl.com)

<b>District Coalition:</b>	Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
<b>Plan District:</b>	Northwest.
<b>Other Designations:</b>	The Buck, Carsten & Carrie Prager Building, located at 1727 NW Hoyt Street, is considered a Contributing Resource in the Alphabet Historic District, which was listed in the National Register of Historic Places on November 16, 2000.
<b>Zoning:</b>	<b>RH</b> , High Density Residential.
<b>Case Type:</b>	<b>HRM, AD</b> , Historic Resource Review with Modification and Adjustment Reviews.
<b>Procedure:</b>	<b>Type III</b> , with a public hearing before the Landmarks Commission. The decision of the review body can be appealed to City Council.

## II. INTRODUCTION AND PROCEDURAL HISTORY

### Proposal:

Applicant seeks **Historic Resource Review** approval for 148 new residential housing units across three buildings located in the Alphabet Historic District and the Northwest Plan District:

- The first structure, the Buck-Prager Building, is an existing 3-story Contributing Resource that will be adaptive reused and seismically upgraded.
- The second structure, the South Addition, will be a new 4-story addition to the Buck-Prager, and together they will house 48 residential housing units.
- The third structure, the “North Building, will be a new 5-story plus basement building containing 100 residential housing units.

One loading space and no car parking is proposed. Long term bike parking spaces will be in common areas and in units. Short-term bike parking requirements will be met by paying into the bike parking fund. Exterior materials include brick, parge coating over brick, painted fiber cement panels and trim, metal trim, wood and fiberglass doors and windows, steel canopies and aluminum storefronts. Additional reviews are requested:

Two (2) **Modifications** [PZC 33.846.070]:

1. Standards for all Bicycle Parking (33.266.220.C.B). To reduce the required spacing between long-term bike parking spaces in the bike areas from 2'-0" to 1'-6" and to provide non-lockable bike racks in dwelling units; and,
2. Loading, Screening (33.266.310.E). To omit the required 5' of L2 or 10' of L1 landscape screening buffer at the loading space off NW Irving.

One (1) **Adjustment** [PZC 33.805]:

1. Loading, Number of Spaces (33.266.310.C). To reduce the required number of loading spaces from two (2) Standard B spaces to one (1) Standard B space.

### **Non-standard development in the rights-of-way:**

On NW Hoyt and NW Irving, non-standard development in the rights-of-way includes brick pavers, planting in the furnishing zone adjacent to the streets and planting in the frontage zone adjacent to the buildings.

Historic Resource Review is required for this proposed development because the site has a Historic Resource Protection overlay (33.846.060).

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title

33. The relevant approval criteria are:

- Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum (Appendix I).
- 33.846.070, Modifications Considered During Historic Resource Review
- 33.805.040, Adjustments

**Procedural History:**

- The application for this land use review was submitted on June 15, 2018.
- The applicant requested it to be determined to be complete on July 5, 2018.
- A staff report recommending approval with conditions for the August 27, 2018 Historic Landmarks hearing was published on August 8, 2018.
- A Historic Resource Review hearing was held before the Historic Landmarks Commission on August 27, 2018. Prior to the hearing, the record was requested to be held open to allow time for review of information. The Commission held the record open as follows:
  - New information was due in by 5pm on September 4, 2018.
  - Response to the new information was due in by 5pm on September 11, 2018.
  - A Final Applicant rebuttal was due in by 5pm on September 18, 2018.
- A second hearing was held before the Historic Landmarks Commission on September 24, 2018, which was a closed hearing. The Historic Landmarks Commission voted of 5 to 1 to approve the proposal, with conditions.
- Two appeals were received during the appeal period, on October 22, 2018, from the Northwest District Association and from Tony Schwartz.
- An on-the-record public hearing on the appeal was held by the City Council on November 29, 2018. The City Council heard testimony and conducted its deliberations on the appeals. The Council tentatively rejected both appeals, upholding the Historic Landmarks Commission's decision to approve the proposal, with conditions.

**III. ANALYSIS**

**Site and Vicinity:** The subject property is a half-block site located on the east side of NW 18<sup>th</sup> Avenue between NW Hoyt and NW Irving Streets. The south 1/8<sup>th</sup> of the block contains a surface parking lot lined with trees on the south end along NW Hoyt. North of this surface parking area lies the Buck, Carsten & Carrie Prager Building (Buck-Prager), located at 1727 NW Hoyt Street, and considered a Contributing Resource in the Alphabet Historic District. North of the Buck-Prager building lies a 1-story, wood-framed multi-family residential building constructed in 1940 which will be demolished, and north of this lies a second 1/8<sup>th</sup> block surface parking lot lined with trees on the north end along NW Irving.

With reference to the Buck-Prager building, in 1913, Ballou & Wright purchased a 50- x 100-foot lot on the east side of 18<sup>th</sup> Street between Hoyt and Irving from Carsten Buck. At the time it held a frame dwelling; their intention was to build a factory building on the site. Later, in 1914, Buck sold to Ballou & Wright an additional lot on the same half block. In 1918, Ballou & Wright contracted with Camp & DuPuy to design and construct a maternity hospital, ultimately approved by City Council following "a hearing of remonstrances from residents of the community", some of whom declared that "the institution would be a nuisance." In November of that year, the Women's Hospital of Portland was equipped and opened by Mrs. Alta B. Y. Spaulding, who had previously been with the Multnomah County Hospital. By the time of its construction, the area had already begun to experience a significant increase in density, with several apartment buildings a couple blocks away.

In 1928, the Women's Hospital was sold and became the Portland Eye, Ear Nose and Throat Hospital. Mrs. Spaulding was retained as manager of the hospital and remained so until her death in 1935. Subsequently, the building was renamed Spaulding General Hospital and Dr. Verbon's Naturopathic Hospital. By 1945, the building was used as the Portland Osteopathic Hospital, and approved as a teaching hospital. In 1958, the Osteopathic Hospital vacated the building. In 1963 the building was purchased by the Arts and Crafts Society to accommodate their growing curriculum of drawing, painting, ceramics, pottery, knitting, and weaving classes. At this time, it appears a modest side door was added to the south façade. Two years later, as part of the Society's 60<sup>th</sup> anniversary, the Julia E. Hoffman Gallery was dedicated in honor of the Society's founder. By 1977, the Society had become the School of the Arts and Crafts Society, and then, upon its relocation to SW Barnes Road in 1979, the Oregon College of Art and Craft. The School sold the building that same year to a group of lawyers and a developer, who conducted extensive interior remodeling, as well as established the new arched brick opening on the south façade. The building has been vacant since 2007.

The property is located within the Northwest Pedestrian District. The City's Transportation Plan identifies the adjacent streets as follows:

- NW 18<sup>th</sup> Avenue as a Transit Access Street, a City Bikeway and a City Walkway
- NW Hoyt and NW Irving are Local Service Streets for all modes of transportation.

Buildings in the immediate vicinity include a number of 2½-story Landmark dwellings constructed in the late 1800's, located on the south side of NW Hoyt and the north side of NW Irving, as well as other 2½-story contributing and noncontributing dwellings, and 1-story concrete structures. One or more blocks to the south, west, and northwest are apartment buildings ranging from 3-5 story Landmark structures, to a 6-story CM3-zoned contemporary structure on NW 19<sup>th</sup> facing Couch Park. Two blocks to the east is the sunken I-405 freeway, just beginning to make its ascent to the north. The edge of the Alphabet Historic District is located one half-block to one block to the east of the subject property.

The Historic Alphabet District is located at the base of the West Hills, roughly bounded by W. Burnside Street to the South, NW 17<sup>th</sup> Avenue to the East, NW Marshall Street to the North and NW 24<sup>th</sup> Avenue to the West. The district is predominantly residential in character but also has two main commercial corridors along NW 21<sup>st</sup> and NW 23<sup>rd</sup> Avenues, as well as institutional properties. Originally platted as a residential district for the upper class, the Lewis and Clark Exposition of 1905 prompted the construction of several apartment buildings by notable Portland architects. The neighborhood is still one of the city's more densely populated historic neighborhoods.

**Zoning:** The High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally, the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

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.

The Northwest Plan District implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter: promote housing and mixed-use development; address the area's parking scarcity while discouraging auto-oriented developments; enhance the pedestrian experience; encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.

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

- LU 63-000908 CU (CU 015-63) – Conditional Use approval to allow parking in the front yards of the Arts and Crafts Society;
- LU 78-003343 CU (CU 090-78) – Conditional Use approval to convert the Arts and Crafts Society to lawyers' offices with conditions, including that the parking lot be open for nighttime use by residents;
- LU 80-002207 CU (CU 053-80) – Conditional Use approval to increase the number of attorney offices on site from 18 to 25 and increased parking ratio requirements will be met off-site;
- ZC 4684 – Area-wide zone change for a large area of Northwest Portland;
- EA 14-156795 PC – Pre-Application Conference for the proposed demolition of the resource and construction of a 6-story residential building;
- LU 14-210073 DM – Demolition Review for demolition of existing contributing resource on site; denied by City Council;
- EA 17-269490 DA – Design Advice Request for this proposed development;
- EA 17-272429 PC – Pre-Application Conference for this proposed development.

**Agency Review:** A "Request for Response" was mailed **July 10, 2018**.

The Bureau of Transportation Engineering responded (Exhibit E.2), with the following response relating to the request for non-standard planting in the Right-of-Way:

- At this location, NW 18th is classified as a Transit Access Street, City Bikeway, City Walkway within a pedestrian district, and a Local Service Street for all other modes. According to City GIS, the frontage is improved with a 12-ft sidewalk corridor with a 0-12-0 configuration. This frontage must be reconstructed with a 12-ft corridor with a 4.5-6-1.5 configuration with tree wells.
- At this location, NW Hoyt is classified as a Local Service Street for all modes. NW Hoyt is constructed with a 16-ft sidewalk corridor with 7-6-3 configuration that exceeds current minimums. This sidewalk must be reconstructed with the same configuration with tree wells rather than a planting strip.
- At this location, NW Irving is classified as a Local Service Street for all modes. NW Irving is improved with a 15-ft wide sidewalk corridor with a 7-6-2 configuration. This sidewalk must be reconstructed with the same configuration with tree wells rather than a planting strip.

- If the applicant wants to seek approval to use a planting strip on NW Hoyt and NW Irving, they apply for a Design Exception during the public works permitting review. This may be acceptable for residential projects without any ground floor commercial uses.

*BDS Staff response:* While this Staff report provides Historic Resource Review recommendation for approval for the proposed non-standard development in the Right-of-way, note additional review is required by PBOT/ Public Works. If PBOT allows non-standard improvements but requires a substantially different design than shown here, another HR could be required.

The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services (Exhibit E.1).
- Water Bureau (Exhibit E.3).
- Life Safety Section of BDS (Exhibit E.4).
- Urban Forestry (Exhibit E.5).

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **July 16, 2018**. At the time of this staff report, total of 31 written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

Before the publishing of the Staff Report (Exhibits F1-31):

24 letters were received in support of the proposal. Reasons included:

- Project is compatible with historic character of district;
- Project would improve character of block and enhance surrounding blocks;
- Scale and proportion are compatible with other resources in district;
- Project provides housing diversity, a characteristic of the neighborhood;
- Project preserves the Buck-Prager, a contributing resource, and provides needed seismic upgrades;
- Project incorporates elements of nearby, quality buildings through details, massing, proportions and materials (CDG D7) such as the American Apartment Building and the Wickersham;
- Project provides varied scale and massing on adjoining lots which is part of character of district (HAD 3);
- Project replaces two surface parking lots with housing;
- Materials are of high quality; and,
- Discussion about affordability of the housing proposed.

7 letters were received noting concerns about the proposal. Reasons included:

- Concern with size, bulk and height;
- Concern with lack of off street parking;
- Concern with massing and proportions (CDG D7);
- Concern with Hierarchy of Compatibility (HAD 3) related to resources across the street;
- Concern with North Building scale, massing and character (HAD 3, CDG P1, and CDG D7);
- Concern with scale, massing and inconsistency of design elements (HAD 2 and 3, CDG P1, P2, D6, and D7);
- Concerns with inconsistency of (DAR) drawings;
- Concerns not in keeping with scale of Hoyt and Irving;
- Concern with incompatibility of proposal: size and massing, not considering local history, doesn't comply with architectural scale and fine-grain characteristics of the NWPD, addition to the Buck Prager not properly scaled, doesn't include landscaped

setbacks (HAD 1-3, CDG P1, P2, D6, D7 and possibly D5). Refer to NPS's Preservation Brief for Additions.

- Concern with adding density to neighborhood;
- Concern with lack of off street parking; and,
- Discussion about affordability of housing.

After publishing of the Staff Report and before the appeal (Exhibits H.4-58):

- 37 letters were received noting concerns about the proposal, and of these, 14 were from those whom had already written; and;
- 3 letters were received in support of the proposal.

After the appeal (Exhibits I.12-58):

- 22 letters were received supported the appeals, noting concerns about the proposal, and of these, 14 were from those whom had already written; and,
- 23 letters were received in opposition to the appeal, and in support of the proposal, and of these, 8 were from those whom had already written.

*Staff response:* Generally, see findings below. Please note that type of housing proposed, the amount of parking and density are not relevant to the applicable Historic Resource Review approval criteria, the *Community Design Guidelines* and the *Historic Alphabet District Community Design Guidelines Addendum (Appendix I)*.

#### **IV. ZONING CODE APPROVAL CRITERIA**

##### **(1) HISTORIC RESOURCE REVIEW (33.825)**

###### **Purpose of Historic Resource Review**

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

###### **Section 33.846.060.E 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.

**Introduction to Findings:** The City Council reviewed the history of the Buck, Carsten & Carrie Prager Building (the "Buck-Prager"), and notes that Messrs. Buck and Prager were prior land owners who sold the underlying properties to Ballou & Wright. In 1918, Ballou & Wright contracted for the design and construction of a maternity hospital, which is the historic resource at issue in this decision. The City Council recognizes Ballou & Wright for their early efforts to provide for women's health, and finds this former maternity hospital is an example of Portland's progressive history.

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.

The City Council findings below address all guidelines in the Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum. The Council reviewed the record and finds that any references to other guidelines or criteria not specifically addressed with findings in this decision were not raised with sufficient specificity for the city to respond meaningfully. It also finds the Landmarks Commission members are appointed for their expertise (*see* 33.710.060.A), and that their

decision on which guidelines apply to this application is substantial evidence that all applicable guidelines have been evaluated in this decision.

The City Council notes that many of the guidelines use the term “compatible.” At the onset, the City Council interprets the term and applies the interpretation throughout this review. The City Council finds that “compatible” is not defined in the Portland Zoning Code. Because it is not defined, the City Council looks to a dictionary definition. “Compatible” means “capable of existing together in harmony.” *Merriam-Webster’s* (<https://www.merriam-webster.com/dictionary/compatible>). For the purposes of Historic Resource Review, the City Council also looks to the use of the term “compatibility” in Historic Landmarks Commission “A Guide to the Historic Resource Review Process” pages 6-7 (Exhibit G.2) to interpret the term.

*“Historic design review regulates all development within historic districts in order to protect the integrity of the district as a whole. With compatibility, we are aiming for harmony and wholeness in the historic built environment rather than contrast and incongruence.”*

*“It is important to note that old and new buildings are compatible when they share similar underlying principles of scale, proportion, composition, level of detail, materials, and craftsmanship that are typical of the setting. Designing for compatibility in historic districts is an exercise that is context-driven and is a purposeful attempt to make a new building fit in and feel like it is “of this place.” That said, new buildings do not have to be copies of historic buildings to be compatible, and “fitting in” is not the same thing as uniformity. A new building can make a statement of its own identity without subverting the character of the district. As such, the Commission is actively seeking creative infill designs that are rooted in the historic district context.” (Pages 6-7.)*

Accordingly, Council finds that compatibility occurs when a proposal is capable of existing together in harmony with its context, and shares principles of scale, proportion, composition, level of detail, materials, and craftsmanship with the historic resource.

Furthermore, as required by the Historic Alphabet District (HAD), in the context of exterior alterations or additions to the Buck-Prager Building, a Contributing Resource to the district, “compatibility” must be evaluated “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” (HAD #3).

Council further finds that in the context of the Historic Alphabet District, “compatibility” of new development must be evaluated with reference to the character of the District as a whole: “New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District” (HAD #3).

As previously described, the proposal includes three elements:

- The rehabilitation of the Buck-Prager Building, an existing 3-story Contributing Resource;
- The South Addition, a 4-story addition to the Buck-Prager; and
- The “North Building, a new 5-story plus basement building.

First, the rehabilitation work to the Buck Prager, an existing 3-story Contributing Resource. This includes restoring historic façade elements, general repair/ replacement of existing cladding, windows and roof materials, and upgrading the building structure

as required to meet seismic code. The Council finds that the work to the existing Buck-Prager meets the definition of “exterior alterations”.

Next, the South Addition will be a 4-story addition to the Buck-Prager. The South Addition will include internal connections with the Buck-Prager. The Buck-Prager is 12,514 square feet. The South Addition will add 14,695 square feet to the Buck-Prager. Together, the Buck-Prager and the South Addition will include 48 residential housing units. The Council finds that the South Addition is an “addition” as it is joined to the existing Buck-Prager and increases available space.

Finally, the North Building will be a 5-story plus basement building. The North Building will be located on the northern half of the site and replace a one-story structure built in 1940 north of the Buck-Prager that will be demolished, as well as a surface parking lot. The Council finds that there is no evidence that this north property was integrated with the historic resource operations. It finds that the buildings will not have integral hallways or other features of a building addition and disagrees with appellants arguments that the North Building must be analyzed as an addition to the historic resource. It further finds that the North Building is not an alteration of either the existing historic resource or of the existing single-story apartments or surface parking lot that are being demolished completely. The Council finds that the North Building is a new building.

However, because the appellants took issue with the interpretation of “new development”, “exterior alterations”, and “additions” as they are defined in the Portland Zoning Code and referred to in the Guidelines, out of an abundance of caution, the City Council reviewed all three elements of the proposal against each level of hierarchy of compatibility for this review. Therefore, all levels of the guidelines were applied to all three elements of the proposal, and all three elements were found to be compatible.

Additionally, the Landmarks Commission noted the “Historic Context Statement” of the Historic Alphabet District: Community Design Guidelines Addendum (dated September 5, 2000), explains that one of the important characteristics of the District is the variety of styles of residential architecture, as well as the juxtapositions created by this variety:

*“The Historic Alphabet District is further eligible under Criterion C for its expression of early residential architecture in the city of Portland characterized by buildings of various types, styles, and eras.”*

*“The district’s multi-family dwellings are noteworthy for their appearance in an area that retains buildings from its early development period. Grand single-family homes sit next to first-class apartment buildings in a physical representation of the sociocultural transition experienced by one of Portland’s oldest neighborhoods.” (Page 11.)*

The City Council reviewed the applicant’s examples of mid-rise apartment buildings mixed in among single family houses, and finds the examples are consistent with the context statement and are substantial evidence that the juxtaposition of the North Building and the South Addition with adjacent single-family houses is consistent with the existing land use pattern throughout this historic District, as reflected in the context statement. It finds that, for this site, the partial block, four-story and five-story plus basement buildings proposed are compatible with the Buck-Prager building, a three-story historic structure, as well as the two-and-a-half-story houses and townhomes across the streets, and the district as a whole. Features which help this include scale, proportion, composition, level of detail, materials, and craftsmanship with the historic resource, as well as setbacks responding to the different street characteristics, landscaping, the

smaller height of the South Addition and streetscape improvements, and most importantly, the preservation of a Contributing Resource.

The City Council finds the context statement is correct, and the sociocultural transition continues as this maternity hospital, which was previously used for an art school and later a law office, is now being adapted for residential use for the first time.

### **Historic Alphabet District - Community Design Guidelines Addendum**

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

**Findings:** The City Council finds that this guideline is met by:

**The Buck-Prager** – This guideline is met by the following features, because they preserve the historic resource:

- Retaining and repairing the historic resource’s existing historic exterior materials, most of which are from its period of inception. These include:
  - Repairing, repointing and cleaning the building’s existing brick on all exposed facades.
  - Repairing and repainting the building’s existing parge coat at the building’s ground floor, street-facing façade.
- Reversing past detrimental actions, by:
  - Constructing entrance canopy like the original, based on historic photos.
  - Constructing parapet eyebrow like the original, based on historic photos.
  - Replacing metal sash windows with new custom wood single-hung windows to better match originals.
  - Removing masonry infill and re-installing windows in original ground floor window openings on main elevation.

**South Addition and North Building** – This guideline is met by the following features, which respect the historic resource and do not impede the proposed restoration:

- The South Addition and the North Building, both new construction, use façade treatments to unify with, while maintaining, preserving, and showcasing, the historic resource. These treatments include materials, symmetry, tripartite composition, details, colors, entries, and windows.
- The interior courtyards, created by the carved massing of the new construction away from either side of the Buck-Prager, will highlight the brickwork of the side walls of the historic resource, preserving and maintaining these historic features
- The South Addition has been integrally designed to relate to the historic resource through the additional use of rhythm, proportions and alignments.

*This guideline is met.*

**Historic Alphabet District Guideline 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 City Council reviewed the meaning of this guideline, and interprets the phrase “[n]ew additions, exterior alterations, or related new construction” to mean that any construction work on a historic resource, an addition thereto, or related new construction must complement the historic resource in terms of materials and design, and must be compatible with the Historic Alphabet District as a whole. The City Council, therefore, interprets the guideline to mean that the historic materials that characterize the Buck Prager should be retained, and the new construction, both the South Addition and the North Building, must be designed in a way that responds to the Buck-Prager’s architectural qualities such as material, size, form, setbacks, window fenestration, brick detailing. It also interprets the guideline to mean the South Addition and the North Building must address the adjacent properties by being “compatible with historic qualities of the district as identified in the Historic Context Statement”. Council finds that the proposal is compatible with adjacent properties through the use of landscaped setbacks, smaller height of the South Addition and streetscape improvements, as well as scale, proportion, composition, level of detail, materials, and level of craftsmanship.

For the purposes of this guideline, the City Council interprets “to the extent practicable” to mean that the project must retain those materials from the original resource which remain functional but need not retain materials that are worn beyond restoration.

The City Council interprets the phrase “retain historic materials that characterize a property to the extent practicable” to mean that significant historic materials and design features should be retained, and not that every feature presently visible on the exterior of the historic resource must remain visible. It finds that the Buck-Prager was constructed with masonry side walls that anticipate abutting buildings, and that obscuring the side view of the quoins does not violate this guideline because doing so is consistent with the intent when built.

The City Council agrees with the Landmarks Commission finding that the Historic Alphabet District neighborhood has one of the highest population densities in the city, which includes excellent examples of multi-family housing interspersed with other building types in a variety of architectural styles. As noted above, the Historic Context Statement explains that one characteristic of the District is the variety of styles of residential architecture, as well as the juxtapositions created by this variety.

The City Council finds that the following architectural features are substantial evidence this guideline is met, because they demonstrate that the new construction is differentiated while still respecting the historic resource.

**The Buck-Prager** – This guideline is met by the following features, because they retain historic materials that characterize the property to the extent practicable, and replacement materials are reasonable facsimiles of the historic materials they replace:

- Retaining the buildings' historic architectural details and exterior materials.
- Conducting extensive seismic upgrade work without disruption of the street-facing elevation.
- Removing masonry infill and re-installing windows in original ground floor window openings.
- Replacing metal sash windows with new custom wood single-hung windows to better match the originals.
- Constructing entrance canopy like the original, based on historic photos.
- Constructing parapet eyebrow like the original, based on historic photos.

**South Addition** – The South Addition retains historic materials to the extent practicable, and takes design cues from the Buck-Prager (Exhibit C.21), including:

- Maintaining the primary design composition of punched openings in a modular, running bond brick façade while selecting contrasting, yet complimentary, brick color to create a clear distinction between the historic resource and the addition.
- Replicating the Buck-Prager's "A-B-A-B" bay rhythm of four-foot-wide rough opening and four-foot-wide brick wall surface.
- Use of a symmetrical facade with a centered entry bay and metal entrance canopy.
- Use of a strong base that matches the height of the Buck-Prager's base, while using color for differentiation.
- Alignment of the South Addition's rough opening sills with those of the Buck-Prager.
- Alignment of the South Addition's third floor belt course with the Buck-Prager's parapet eyebrow.
- Use of a cornice element to reduce the perceived parapet height and add articulation to the top of the building.

**North Building** – The North Building is new construction that does not involve historic materials to be retained or replaced with reasonable facsimiles; thus, this guideline is met because it uses the "Historic Context Statement" to inform compatibility. Specifically, *"One-story, California-style garden court apartments were sited next to mid-sized, mid-priced apartment buildings such as the Tudor Arms apartments."* and *"The American Apartment Building, constructed by the American Realty Company in 1911, provides a good example of a quality multi-family building constructed by a developer."* (Historic Context Statement, page 27).

The following design influences, from similar buildings found throughout the District demonstrate that the North Building is differentiated while still responding to the Buck-Prager:

- Use of tripartite massing of base, middle and cap typical of five and six-story multifamily buildings of the period.
- Use of oriel windows found on five- and six-story multifamily buildings, as well as the Campbell Townhomes located in the immediate area.
- Incorporating historic window proportions and design, including a single-hung one-over-one configuration.
- Use of quality materials found throughout the District. Brick is the primary cladding material, with precast concrete, metal, wood and cementitious parge coating used at accents.

- Use of quality detailing of materials commensurate with similar District buildings.

The City Council emphasizes that the applicant responded to Landmarks Commission requests for additional information and revisions. The applicant demonstrated the high quality of the parge coating (Exhibit H.54), including methods to reduce ghosting, and additional details of weeps (Exhibits C.27, C.29 and C.42). The applicant provided a memo listing grade slopes at each frontage and building height measurements (Exhibit H.42), which are lower than allowed in this zone. Additionally, Exhibit C.20 has been revised to more closely show heights at the location of the section cut. The applicant revised the canopy designs to provide an integral gutter (Exhibit C.39). The City Council finds these items are additional substantial evidence that the project design reflects the architectural characteristics expressed in the context statement.

The Council considered the appellants' argument that scale of the North Building and the South Addition does not reinforce the District's fine-grained pattern of development and disagrees. The North Addition is a quarter block development that has been further broken down by building articulation as discussed above. The South Addition and the Buck-Prager, while internally linked, present the appearance of two separate buildings on a quarter-block parcel. The City Council finds that for this application, this level of scale is compatible with the scale of the historic resource, the adjacent properties, and the District.

The following condition of approval is added to ensure the North Building and South Addition main building entries are compatible with the historic qualities of the District:

- ***The main entries of the North Building and the South Addition shall be custom wood storefronts, as shown in Exhibits C.68 (App.2-12) and C.69 (App.2-14).***

The following condition of approval is added to ensure the detailing in the North Building recesses above ground level provide depth and relief compatible with the historic qualities of the District, a condition of approval has been added:

- ***The fiber cement detailing of the North Building recesses shall match the bays, as shown in Exhibit C.70 (App.2-15).***

The following condition of approval is added to ensure the South Addition's glazed patio doors are compatible with the historic qualities of the District:

- ***The glazing of the South Addition patios shall have both faces operable and lie flush when closed, as shown in Exhibit C.67.***

*With conditions noted above, this guideline is met.*

**Historic Alphabet District Guideline 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 City Council examined the meaning of this guideline and the appellants' theories regarding what it requires. As noted above, the term "Addition" is not defined in Title 33. Accordingly, the City Council looks to the dictionary of "Addition" as defined as "a part added to or joined with a building to increase available space." The Council finds the South Addition to be an addition, because it is integrally linked with the Buck-Prager. It interprets the guideline to mean that, for an addition, compatibility must primarily be with the original resource. The use of the term "primarily" requires that compatibility with the original resource is the first and foremost priority. The Council considered appellants' arguments and finds that they erroneously insist that compatibility with certain adjacent properties is the primary concern. Council interprets the guideline to require compatibility with the original resource is the first and foremost priority.

Furthermore, the City Council interprets the hierarchy to mean that when the historic building is not of similar scale and type as adjacent properties, the first priority is compatibility with the historic resource. The City Council finds compatibility with the Buck-Prager is a higher priority than compatibility with nearby houses. The Buck-Prager is a three-story brick former hospital with significant lot coverage, a flat roof, tripartite compositions, and zero front and side setbacks; elements which are commonly seen in historic multi-family and commercial buildings in the district. Nearby houses, on the other hand, are two-and-a-half story, wood frame with low lot coverage, pitched roofs and landscaped front and side setbacks. To be compatible with the Buck Prager, the proposed North Building and South Addition utilize the flat roofs, tripartite compositions and zero front setbacks seen in the Buck Prager, and in historic multi-family and commercial buildings in the district primarily. Secondly, to be compatible with adjacent properties, features such as square bays, brick construction, and window types make references to adjacent landmark structures. Thirdly, to be compatible with the rest of the District, scale, proportion, composition, level of detail, materials, and level of craftsmanship were used, as described below.

The City Council also finds the appellants' interpretation to mean that the South Addition and North Building must be the same height and massing or smaller than the Buck-Prager and disagrees with that interpretation. As previously discussed, compatibility includes sharing a resource's underlying principles of scale, proportion, composition, level of detail, materials, and craftsmanship, and a capacity to exist together in harmony with its context. The South Addition and North Building were found to be compatible with the Buck-Prager, as noted above under findings for HAD #2.

The City Council finds that the following architectural features are substantial evidence this guideline is met because they follow the hierarchy of compatibility, with primary emphasis on the original resource for the South Addition, and reference to similar buildings in the District for the North Building.

**South Addition** – This guideline is met by:

- First and most importantly, designing the South Addition to be compatible with the original resource as follows:
  - Maintaining the primary design composition of punched openings in a modular, running bond brick facade.
  - Use of the Buck-Prager's "A-B-A-B" bay rhythm of four-foot-wide rough opening and four-foot-wide brick wall surface.

- Use of a symmetrical facade with a centered entry bay and metal entrance canopy
  - Use of a strong base that matches the height of the Buck-Prager's base, while using color for differentiation.
  - Alignment of the South Addition's rough opening sills with those of the Buck-Prager.
  - Alignment of the South Addition's third floor belt course with the Buck-Prager's parapet eyebrow.
  - Use of a cornice element to reduce the perceived parapet height and add articulation to the top of the building.
- Secondly, by designing the South Addition to be compatible with adjacent properties as follows:
  - Reinforcing the neighborhood's fine-grained pattern of development through use of a smaller than quarter-block building and further breaking down the massing through material and plane changes.
  - Providing a landscaped buffer along the more residential Hoyt Street while maintaining a strong urban edge along the more commercial 18th Avenue.
  - Providing mid-block entrances that facilitate the interaction between residents and neighbors.
  - Providing a continuous sidewalk, without the interruption of a driveway.
- Thirdly, by designing the South Addition to be compatible with similar buildings in the Historic Alphabet District as follows:
  - Use of quality, durable materials commonly found throughout the District.
  - Reinterpreting historic design features in a way that relates to the modern, commercial aesthetic of the resource while still feeling residential.
  - Use of historic precedent to inform building ornamentation, including decorative metal guardrails, entrance canopy, banding.

**North Building** - This guideline is met by:

- First, designing the North Building to be compatible with the original resource as follows:
  - Use of a symmetrical facade with a centered entry bay and entrance canopy.
  - Use of a strong tripartite composition.
  - Use of a cornice element to reduce the perceived parapet height and add articulation to the top of the building.
- Second, designing the North Building to be compatible with adjacent properties as follows:
  - Reinforcing the neighborhood's fine-grained pattern of development through use of a quarter-block building and further breaking down the massing through material and plane changes.
  - Providing a landscaped buffer along the more residential Irving Street while maintaining a strong urban edge along the more commercial 18th Avenue.
  - Providing mid-block entrances that facilitate the interaction between residents and neighbors.
  - Use of red brick and square oriel windows reminiscent of the Campbell Townhomes across NW Irving.

- Incorporating historic window proportions, including single-hung one-over-one configuration.
- Third, designing the North Building to be compatible with similar buildings in the Historic Alphabet District as follows:
  - Responding to the proportions of, and incorporating the architectural details from, similar buildings within the District.
  - Use of tripartite massing of base, middle and cap typical of five and six-story multifamily buildings.
  - Providing a parge-coated concrete lower base with rustications, creating a strong base and marking the basement level.
  - Use of oriel windows like those found on five- and six-story multifamily buildings in the District, as well as the Campbell Townhomes located in the immediate area.
  - Incorporating historic window proportions, including a single-hung one-over-one configuration.
  - Use of quality materials found throughout the District. Brick is the primary cladding material, with precast concrete, metal, wood and cementitious parge coating used in accents.
  - Use of quality detailing of materials commensurate with similar District buildings.
  - Articulating each building facade along its face, with the west façade containing a wide center inset, and the north facade displaying a notch that both divides and reduces its massing.
  - Developing a simpler top floor above a top belt course, reminiscent of an attic level as seen in the District.
  - Capping the building with a projecting cornice like those found throughout the District.

To ensure compatibility with the original resource, adjacent properties, and the rest of the District, the following conditions have been added:

- The City Council finds that this guideline will be met with standard Right-of-Way (ROW) improvements. However, the Council notes that the applicant has proposed non-standard ROW development that goes beyond what the guideline requires and approves of this non-standard development, which includes brick pavers and landscape planting in the furnishing zone (adjacent to the streets) and landscape planting in the frontage zone (adjacent to the buildings), as shown in Exhibit C.48. ***The Council finds that if proposed non-standard improvements in the Right-of-Ways, as shown in Exhibit C.48, are not approved by PBOT, standard improvements are acceptable. For non-standard development that differs from Exhibit C.48, additional reviews may be required.***
- ***Irrigation shall be provided for the street frontage landscaping on NW Hoyt and NW Irving, as shown in Exhibit C.48.***

Additional conditions, as imposed above, include:

- ***The main entries of the North Building and the South Addition shall be custom wood storefronts.***
- ***The fiber cement detailing of the North Building recesses shall match the bays.***
- ***The glazing of the South Addition patios shall have both faces operable and lie flush when closed.***

*With these conditions, this guideline is met.*

### **Community Design Guidelines**

**Community Design Guideline 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.

**Findings:** The City Council finds that the project is located within the Northwest Plan District, and within the Urban Character Area C, the Eastern Edge. (See Community Design Guidelines, Appendix J: Excerpt from Northwest District Plan Amended Design Guidelines – Desired Characteristics and Traditions.) According to Appendix J, the Eastern Edge is “perhaps the most architecturally varied portion of the Northwest District” and is a diverse, mixed-use area with a fine-grain mixture of employment, residential, and community services. This area serves as a transition and connection between the residential core of the Northwest District and the more intensely developed Central City. This area includes examples of residential structures from the late nineteenth-century middle and working-class neighborhoods as well as many early to mid-twentieth century light industrial buildings as well as a notable religious institution, St. Patrick's Church. (Page 202.)

The City Council has reviewed this guideline and Appendix J and interprets the applicable desired characteristics and traditions to include the following: *“maintaining the district’s architectural scale and its fine-grained pattern of development. New buildings and additions that are taller than the two- to four-story building height that is predominant in the district should have upper stories stepped-back in order to contribute to a more consistent streetscape and to maintain neighborhood scale. Also, the street frontage of large projects should be divided into distinct components that reflect the district’s established pattern of partial block massing.”* (Page 198.)

With respect to the Eastern Edge, the applicable desired characteristics and traditions are as follows: *“New development should contribute to the architectural diversity of the Eastern Edge and continue its established pattern of partial block building massing”* and *“The historic resources of the Eastern Edge, part of which is located in the Alphabet Historic District, should be preserved.”* (Page 204.)

The City Council has considered the term “fine-grained pattern of development” and interprets the term to mean maintaining the scale of the area's historic street grid and continuing the area's pattern of partial block building massing, whereby *“[s]treet frontages of large projects should be divided into building volumes or distinct wall planes that are no wider than 50 to 100 feet, through means such as: separate structures, courtyards, set-back variation, vertical projections, or recessed areas.”* (Page 29.)

The City Council considered the guidance that buildings taller than two- to four-stories “should have upper stories stepped-back” and interprets this guidance as a suggestion for how to contribute to a more consistent streetscape and maintaining neighborhood scale. However, Council find that of first importance, this application maintains a contributing structure. This in turn preserves history and forces finer-grained infill buildings with building volumes a quarter-block or smaller. The Council finds that the taller buildings proposed, which are a quarter-block or smaller, can also address these massing concerns through other means, such as separate structures, courtyards, set-back variation, or recessed areas. Additionally, there is historic precedence for buildings taller than two- to four

stories to not have upper stories stepped back, as illustrated in the context analysis provided.

The City Council examined the architectural plans and finds this is a standard 200-foot x 200-foot block, where that 200-foot frontage is broken into three sections (the North Building, the Buck-Prager, and the South Addition), none of which exceed 100 feet. It considered the appellants' arguments that the small scale of certain nearby properties means that additions and new buildings of the proposed scale are prohibited and disagrees. The Council finds that this guideline can be satisfied by dividing the street frontage of into distinct components, internally and externally, that reflect the district's established pattern of partial block massing," which this project achieves.

The project is also located in the Northwest Pedestrian District. NW 18th is a City Bikeway and is considered a Transit Access Street, City Bikeway, City Walkway, and NW Hoyt and NW Irving are considered Local Service Streets for all modes of Transportation.

The City Council also finds that the following architectural features are substantial evidence this guideline is met, because they incorporate site and building design features that respond to the area's desired characteristics and traditions.

- Conducting a sensitive rehabilitation of the Buck-Prager, with attention to restoring historic exterior features, and seismic upgrades that will help preserve this historic resource.
- Continuing the area's established pattern of fine-grain, partial-block building massing using multiple, distinct buildings and building faces along the length of a block.
- Designing the building forms to have distinct wall planes that are no wider than 50 to 100 feet using inset entrances, bay windows, recesses and notches.
- Along NW 18th Avenue, locating buildings tight to the property line to create an urban edge in keeping with District typology.
- Locating the main entrances to all three structures on the more commercial frontage of NW 18th Avenue.
- Along NW Hoyt and NW Irving Streets, providing landscaped setbacks to allow for a transition from building to sidewalk, and to distinguish more residential streets from the more intensely hardscaped main streets.
- Along street frontages, facade articulation is created by recessed entrance treatments, bay windows, Juliette balconies, and vertically-divided building volumes.
- Using architectural details found in the District, including oriel windows and rusticated brickwork.
- Designing the South Addition to be compatible with the resource using similar exterior materials, a horizontal orientation, punched openings, a strong and simple base, an entry canopy, and a parapet eyebrow.
- Maintaining the existing street grid.
- Recognizing primary and secondary streets by varying setbacks and locating main pedestrian entrances along the more major street frontage and City Bikeway, NW 18th Avenue, and the loading entrance on a less major street, NW Irving, and adjacent to a commercial zoned property.

The following conditions, imposed above, will ensure the site and building design features respond to the area's desired characteristics and traditions:

- ***The main entries of the North Building and the South Addition shall be custom wood storefronts.***
- ***The fiber cement detailing of the North Building recesses shall match the bays.***
- ***The glazing of the South Addition patios shall have both faces operable and lie flush when closed.***
- ***If proposed non-standard improvements in the ROW's are not approved by PBOT, standard improvements are acceptable.***
- ***Irrigation shall be provided for the street frontage landscaping.***

*With these conditions, this guideline is met.*

**Community Design Guideline 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:** The City Council considered this guideline and interprets it to mean that building design features from both the Buck-Prager and, more widely, the District may be used in the South Addition and the North Building to enhance the identity of the District.

The City Council reviewed the appellants' criticisms that the size of the North Building and the South Addition challenge the integrity of the Buck-Prager and finds that these proposed infill structures complement the resource, with abutting structures of similar styles but varied height. The City Council also reviewed the testimony of Kristin Minor, the Chair of the Landmarks Commission, noting that none of the Commissioners had concerns with the overall scale and height at this particular site. The Council finds that, overall, the preservation of the Contributing Structure with the compatibly designed infill reinforce the District's historic significance.

The City Council considered the appellants' argument that the Landmarks Commission inappropriately ignored prior City Council findings denying a request to demolish the Buck-Prager and build a half-block four- to six-story apartment building in its place (LU 14-210073 DM). The Council disagrees, finding that the two applications propose materially different projects. Here, the Buck-Prager is preserved, a monolithic, half block replacement is not proposed, and the scale of the overall project is substantially reduced. Further, the Council notes the criteria for demolition differ from the criteria in this application. Council's demolition findings in LU 14-210073 DM addressed the Comprehensive Plan Goals and the Northwest District Plan Policies and did not address the Community Design Guidelines or the Historic Alphabet District Community Design Guidelines Addendum. For these reasons, the City Council declines to accept the appellants' reasoning about the applicability of the findings from LU 14-210073 DM.

The two applications are for very different proposals that are decided under different code sections and criteria, and therefore it is appropriate for Council to not rely on the prior decision.

The City Council finds that the following architectural features enhance the identity of the District, and are substantial evidence this guideline is met, because they incorporate site and design features that reinforce the District's historic significance:

- Preserving the Buck-Prager and conducting a sensitive rehabilitation of the historic resource with attention to constructing exterior features based on historic photographs.
- Providing an extensive seismic and fire-life safety upgrade of the Buck-Prager, helping to ensure its long-term durability.
- Designing the North Building by reference to similar historic buildings in the District, with focus on size, materials, and exterior detailing.
- Designing the South Addition to be compatible with the Buck-Prager by using similar exterior materials, facade proportions, punched openings, a strong and simple base, an entry canopy, and a parapet cornice.
- Providing new site amenities in the form of street trees and brick pavers that match those found on Irving Street (Exhibit C.48).

To enhance the identity of the District and reinforce the District's historic significance, the following condition has been added:

- ***Applicant shall work with Urban Forestry and BDS staff to maximize the number and size of street trees on all three frontages.***

The following conditions, imposed above, will also enhance the identity of the District and reinforce the District's historic significance:

- ***The main entries of the North Building and the South Addition shall be custom wood storefronts.***
- ***The fiber cement detailing of the North Building recesses shall match bays.***
- ***The glazing of the South Addition patios shall have both faces operable and lie flush when closed.***
- ***If proposed non-standard improvements in the ROW's are not approved by PBOT, standard improvements are acceptable.***
- ***Irrigation shall be provided for the street frontage landscaping.***

*With these conditions, this guideline is met.*

**Community Design Guideline P3: Gateways.** Develop or strengthen the transitional role of gateways in adopted community and neighborhood plans.

**Findings:** This site is not in an identified gateway.

*This guideline is not applicable.*

**Community Design Guideline 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.

**Findings:** The City Council favors efficient, pleasant, and safe sidewalks, and interprets this guideline to mean that interruptions by driveways should be kept to a minimum.

The City Council finds that the following architectural features are substantial evidence this guideline is met, because the features ensure the sidewalk areas are efficient, pleasant, and safe, and reserved for pedestrian uses.

- Providing safe, attractive, and convenient pedestrian connections with recessed entrances, coverage under projecting entrance canopies, and a small landscape/seating zone at the North Building main entry.
- Providing building setbacks along NW Hoyt and NW Irving Street frontages to allow for a landscaped transition from building to sidewalk.
- Planting street trees along NW 18th Avenue and NW Irving Street, and shrubs on NW Hoyt Street (no trees allowed due to an existing underground utility line) (Exhibit C.48).
- Installing accent areas of brick paving along NW Irving and NW Hoyt Streets to tie in to the same unique detailing found along the north side of Irving Street (Exhibit C.48).

The conditions listed below and imposed above will also contribute to pleasant and safe network of sidewalks for pedestrians:

- ***The main entries of the North Building and the South Addition shall be custom wood storefronts.***
- ***If proposed non-standard improvements in the ROW's are not approved by PBOT, standard improvements are acceptable.***
- ***Irrigation shall be provided for the street frontage landscaping.***
- ***Applicant shall work with Urban Forestry and BDS staff to maximize the number and size of street trees.***

*With these conditions, this guideline is met.*

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

**Findings:** The City Council finds that the following architectural features are substantial evidence this guideline is met, because they create comfortable stopping places.

- Providing seating incorporated into the edges of the landscape planters surrounding the egress wells either side of the North Building entrance, creating a small stopping and gathering place for passersby, visitors or residents.
- Providing canopies at each of the three buildings' main entries, affording places for pedestrians to pause for protection during inclement weather.

*This guideline is met.*

**Community Design Guideline 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.

**Findings:** The City Council finds that the following architectural features are substantial evidence this guideline is met because they create a sense of enclosure, visual interest and differentiation at the sidewalk level.

- Placing buildings tight to the 18th Avenue property line, creating an urban edge in keeping with District typology on busier, more major streets.
- Providing landscaped setbacks at the more residential streets of Irving and Hoyt
- Providing brick paving along Irving and Hoyt Streets.
- Planting street trees along 18th Avenue and Irving Street, and shrubs at Hoyt Street (no trees allowed due to an existing underground utility line).
- Providing canopies at building entrances and over sidewalks that create visual interest, define the street-level façades, and provide resting and gathering places along the pedestrian routes.
- Incorporating interesting building details on the sidewalk level of buildings, such as the rustication detail at the base of the North Building, which echo those found on other historic District buildings.
- Installing quality exterior light fixtures at each new building's main entry (Exhibits C.55, C60 and C.61).

The conditions listed below and imposed above will add to the sense of enclosure and visual interest along sidewalks and pedestrian areas:

- ***The main entries of the North Building and the South Addition shall be custom wood storefronts.***
- ***If proposed non-standard improvements in the ROW's are not approved by PBOT, standard improvements are acceptable.***
- ***Irrigation shall be provided for the street frontage landscaping.***
- ***Applicant shall work with Urban Forestry and BDS staff to maximize the number and size of street trees.***

*With these conditions noted, this guideline is met.*

**Community Design Guideline E4:** Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas and entrances.

**Findings:** The City Council finds that the following architectural and site design features are substantial evidence this guideline is met, because individually and collectively they encourage activity, unity and identity near the intersection.

- Locating active use spaces on building corners.
- Installing curb extensions along both Hoyt and Irving Streets, to assist with pedestrian safety and mark the intersections.
- Installing accent areas of brick paving that tie in to the same unique detailing found along Irving Street.
- Locating loading mid-block, away from building corners.

*This guideline is met.*

**Community Design Guideline 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:** The City Council finds that the following architectural features are substantial evidence this guideline is met, because they provide weather protection for pedestrians.

- Providing weather protection for pedestrians at building entrances and over pedestrian paths by way of canopies.
- Incorporating exterior materials that prevent excessive reflection and glare, such as brick, cementitious parge coating and metal railings finished with a matte or satin sheen.
- Planting new deciduous street trees that will provide shade during the warmer season, and solar access during the cooler season.

The condition listed below and imposed above will also ensure the comfort of pedestrians:

- ***Applicant shall work with Urban Forestry and BDS staff to maximize the number and size of street trees.***

*With this condition, this guideline is met.*

**Community Design Guideline D1: Outdoor Areas.** When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians.

**Community Design Guideline D3: Landscape Features.** Enhance site and building design through appropriate placement, scale, and variety of landscape features.

**Findings for D1 & D3:** The City Council finds that the following features are substantial evidence these guidelines are met, because they provide appropriately sized and landscaped outdoor areas that will enhance the site and building design.

- Though mostly built out, internal courtyards will be created between the Buck-Prager and both the South Addition and the North Building, showcasing the resource's historic brickwork.
- Locating active use spaces along street frontages, where possible.
- Locating seating incorporated into the edges of the landscape planters surrounding the egress wells, as part of the alcove at the main entrance of the North Building.
- Using a variety of materials and textures to define open spaces and create interesting walking surfaces.
- Using building setbacks to provide landscape buffers along the more residential streets of NW Hoyt and NW Irving.
- Planting street trees that provide shade, interest and help delineate the sidewalk zones.
- Using plant materials along sidewalks and walkways to define routes, buffer pedestrians from moving vehicles, and provide visual interest, color and texture.
- Using plant materials within the building (courtyards) to introduce nature into the building core.

The conditions listed below and imposed above will also enhance site design:

- ***If proposed non-standard improvements in the ROW's are not approved by PBOT, standard improvements are acceptable.***
- ***Irrigation shall be provided for the street frontage landscaping.***
- ***Applicant shall work with Urban Forestry and BDS staff to maximize the number and size of street trees.***

*With these conditions noted, this guideline is met.*

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

**Findings:** The City Council finds that the following architectural features are substantial evidence this guideline is met, because they make the main entrances prominent, interesting, pedestrian-accessible, and transit-oriented

- Emphasizing the entrances and providing visual interest by way of canopies.
- Installing glazed entry doors with sidelights enhancing the entry experience and pedestrian interest.
- Developing an exterior lighting strategy that marks entrances at night, providing safety and visual interest.

The condition listed below and imposed above will also ensure the main entrances are prominent and interesting:

- ***The main entries of the North Building and the South Addition shall be custom wood storefronts.***

*With this condition, this guideline is met.*

**Community Design Guideline D4: Parking Areas and Garages.** Integrate parking in a manner that is attractive and complementary to the site and its surroundings.

Locate parking in a manner that minimizes negative impacts on the community and its pedestrians.

Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

**Findings:** While no on-site parking is provided, one loading space is proposed. The City Council finds the loading space is integrated in manner that is attractive and complementary to the site and its surrounding, because it has been located mid-block, away from building corners, and adjacent to a commercially zone property.

*This guideline is therefore met.*

**Community Design Guideline 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:** The City Council finds that the following architectural features are substantial evidence this guideline is met.

- Orienting all primary building entrances face directly towards the street without obstructions, making them highly visible and easily accessible.
- Providing a lighting system that includes pedestrian-scaled lights along walkways (Exhibit C.55 and C.61).
- Locating windows in active rooms, where possible, to promote “eyes on the street.”

*This guideline is met.*

**Community Design Guideline 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.

**Findings:** Council finds that the term “respect” is not defined in the Portland Zoning Code. Because it is not defined, the City Council looks to a dictionary definition. “Respect” means “the giving of particular attention to.” *Webster’s Third International Dictionary*. The City Council interprets this guideline to mean that exterior finishing materials and architectural details of the Buck-Prager are respected through giving particular attention to retention or restoration. The Council further interprets this guideline to mean that the South Addition should be respectful and give particular attention to the Buck-Prager by complimenting the historic resource, but the Guideline does not require that the South Addition replicate the Buck-Prager’s scale, color, details, material proportion, and character.

The City Council has considered the appellants’ testimony that the North Building and the South Addition overwhelm the Buck-Prager. The City Council also considered other evidence in the record and disagreed. The Council notes the testimony of Kristin Minor, the chair of the Landmarks Commission, who stated that none of the Commissioners had concerns with the overall scale and height of the project at this particular site. The Council finds that the project scale respects the original character of the Buck-Prager.

The City Council reviewed the appellants’ testimony on this guideline, including their criticism that the side view of character-defining quoins at the front corners will be obscured. It finds the historic resource was designed with solid brick side walls to accommodate abutting buildings, and therefore that the original architect assumed and planned for the side view to be obstructed. Therefore, the Council disagrees that this result is out of character.

The City Council finds that the following architectural features are substantial evidence this guideline is met, because they complement and respect the original character of the building.

**Historic resource** - This guideline is met by:

- Retaining the resource’s historic architectural details and exterior materials.
- Conducting extensive seismic upgrade work without disruption of the street-facing elevation.
- Removing masonry infill and installing windows in original ground floor window openings on main elevation.
- Replacing metal sash windows with new custom wood single-hung windows to better match originals.
- Constructing entrance canopy like the original, based on historic photos.
- Constructing parapet eyebrow like the original, based on historic photos.

**South Addition** - This guideline is met by:

- Maintaining the primary design composition of punched openings in a modular, running bond brick facade while selecting contrasting, yet complimentary, brick color to create a clear distinction between the historic resource and the addition.
- Replicating the resource’s “A-B-A-B” bay rhythm of four-foot-wide rough opening and four-foot-wide brick wall surface.
- Use of a symmetrical facade with a centered entry bay and metal entrance canopy.
- Use of a strong base that matches the height of the Buck-Prager’s base, while using color for differentiation.
- Alignment of the South Addition’s rough opening sills with those of the Buck-Prager.
- Alignment of the South Addition’s third floor belt course with the Buck-Prager’s parapet eyebrow.
- Use of a cornice element to reduce the perceived parapet height and add articulation to the top of the building.

The conditions listed below and imposed above will also ensure the South Addition respects and is compatible with the Buck-Prager:

- ***The main entries of the SA shall be custom wood storefronts.***
- ***The glazing of the SA patios shall have both faces operable and lie flush when closed.***

*With these conditions noted, this guideline is met.*

**Community Design Guideline 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:** The City Council examined this guideline and makes the following interpretations. It finds that “neighborhood” is not a defined term but encompasses an area larger than the adjacent blocks. In the context of the Alphabet Historic District, the City Council interprets the phrase “reduce the impact of new development” to mean compatibility with nearby, quality buildings as considered in the context of the architectural diversity that characterizes the District. Accordingly, the Council finds that new development should incorporate building details and materials similar to nearby, quality buildings and that proposed massing, siting and proportions are compatible with the development pattern reflected in the surrounding four to five blocks. Indeed, the preservation of this contributing resource, and the proposed compatible infill along the remaining street frontage facing NW 18th, create a fine-grained street frontage that is compatible with the adjacent area in its expression of a typical historic typology found in the district. The South Addition and the North Building successfully blend into the neighborhood because the designs incorporate elements from quality, nearby buildings, including primarily the Buck-Prager, as well as the American Apartment Building, the Embassy Condos, and the Wickersham.

The City Council finds the North Building complements the scale of the historic resource by having a variety of massing on the block, without overwhelming the resource. The guideline explains that it can be accomplished by “G. Incorporating architectural details found in nearby structures” which is the approach taken by this design, including a flat roof, tripartite composition and zero front lot line

setbacks. The Council considered appellant Schwartz’s assertion regarding D7.E (“Encouraging infill to complement the scale and proportions of surrounding buildings.”) The Council notes the text which states, “This guideline *may* be accomplished by:” and finds that item E is only one of eight examples (A-H) that describe how the guideline could be accomplished. Council concludes that E is not a mandatory criterion for satisfying Guideline D7.

The City Council finds that the following architectural features are substantial evidence this guideline is met, because they explain how the architectural details of prominent, nearby historic structures were incorporated into the design to reduce the impact of this new development on this established neighborhood

- Dividing large wall areas into distinct smaller planes more in keeping with the scale of the immediate neighborhood. The scale of the North Building adjusts as it faces Irving Street, where a notch in the façade reduces it into two distinct masses. Two columns of oriel windows on each façade provide another level of detail and articulation, and recall the multiple bays seen on the Campbell Townhomes across the street.
- The North Building’s design incorporates elements and details found in similar-type District buildings and reflect the high level of craftsmanship found in those buildings.
- Designing the South Addition to be compatible with property’s historic resource, and reflect resource’s horizontality, punched openings, strong and simple base, and parapet location. A center notch has been incorporated at the south façade to further break down the scale of the building along Hoyt Street.
- Use of plant materials to soften the impact of new development, which includes new street trees at 18th Avenue and Irving Street, and landscaped setbacks along both Hoyt and Irving Streets.

The conditions listed below and imposed above will also help to reduce the impact of the project on the established neighborhood:

- ***The main entries of the North Building and the South Addition shall be custom wood storefronts.***
- ***The fiber cement detailing of the North Building recesses shall match the bays.***
- ***The glazing of the South Addition patios shall have both faces operable and lie flush when closed.***
- ***If proposed non-standard improvements in the ROW’s are not approved by PBOT, standard improvements are acceptable.***
- ***Irrigation shall be provided for the street frontage landscaping.***
- ***Applicant shall work with Urban Forestry and BDS staff to maximize the number and size of street trees.***

*With these conditions noted, this guideline is met.*

**Community Design Guideline 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 City Council finds that the following architectural features are substantial evidence this guideline is met, because they create visual interest,

utilize durable materials, and cohesively combine with the original elements of the historic structure being preserved.

- Use of highly durable materials, including brick, precast concrete, cementitious parge coating, painted fiber cement paneling, backed metal profiles, provide quality that is consistent with the District's multifamily buildings.
- Use of a variety of textures and colors in exterior finish materials, such as the brick and cementitious parge coating, to create a cohesive design reminiscent of those found throughout the District.
- Mechanical ventilation has been kept away from the ground level pedestrian experience to enhance the streetscape character.

The conditions listed below and imposed above will also ensure all parts of the buildings are interesting to view, of long lasting quality, and designed to form a cohesive composition:

- ***The main entries of the North Building and the South Addition shall be custom wood storefronts.***
- ***The fiber cement detailing of the North Building recesses shall match the bays.***
- ***The glazing of the South Addition patios shall have both faces operable and lie flush when closed.***

*With conditions noted, this guideline will be met.*

## **(2) MODIFICATION REQUESTS**

The review body may consider modification of site-related development standards as part of the Historic Resource Review process. These modifications are done as part of Historic Resource Review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through Historic Resource Review may be requested as an adjustment through the adjustment process.

### **Chapter 33.846 Historic Resource Review**

#### **Section 33.846.070 Modifications Considered During Historic Resource Review**

The approval criteria for modifications during Historic Resource Review are:

- A. Better meets Historic Resource Review approval criteria.** The resulting development will better meet the approval criteria for Historic Resource Review than would a design that meets the standard being modified; and
- B. Purpose of the standard.**
  1. The resulting development will meet the purpose of the standard being modified; or
  2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

The applicant requests the following two modifications:

**Modification #1: Bicycle racks**

*The standard requires:*

**33.266.220.C.3** Where bicycle parking is provided in racks, the racks must meet the following standards:

- a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;
- b. A space 2 feet by 6 feet must be provided for each required bicycle parking space, so that a bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and
- c. The rack must be securely anchored.

*The applicant proposes:*

To provide non-lockable bike racks within dwelling units; and

To reduce the required spacing between long-term bike parking spaces in the bike areas, from 2 feet to 1 foot, 6 inches, and staggering the racks.

**33.266.220.C.1: Purpose.** These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

**Approval Criteria**

***Better meets Historic Resource Review approval criteria.*** The resulting development will better meet the approval criteria for Historic Resource Review than would a design that meets the standard being modified.

**Findings:** The modification to provide non-lockable bike racks within dwelling units and to reduce the required spacing between long-term bike parking spaces in the bike areas better meets Historic Resource Review approval criteria for the following reasons:

This building falls within the Historic Alphabet District which promotes an active, pedestrian and bike friendly neighborhood. The bicycle rooms are conveniently located off major entries and adjacent to the common areas. Each building meets or exceeds the number of bike spaces required, encouraging the residents to utilize the provided amenity.

The Historic Resource Review criteria encourage integration of features contributing to a vibrant streetscape and improving the pedestrian network. Providing ample, secure and protected long-term bicycle storage encourages the use of alternate means of transportation to the automobile, supporting environmental and community development goals. A vibrant streetscape is created when building facades define a strong urban edge. The Guidelines encourage blending into the neighborhood (D7) and reinforcing the active

pedestrian system (E1) by providing the bike storage on the ground floor as well as in units for added convenience. Further, the bicycle parking which is more conveniently located for residents encourages more use, advancing the urban development efforts, meeting this criterion.

*Therefore, the City Council finds the proposal better meets Historic Resource Review approval criteria.*

**Purpose of the standard.** The resulting development will meet the purpose of the standard being modified.

**Findings:** The resulting development will meet the purpose of the standard for the following reasons:

Relative to this development, the purpose of the long-term bicycle parking standard is to provide residents a secure and weather protected place to park bicycles. The proposed design is consistent with these goals, as all long-term bike parking is provided within the secured building. The purpose of the bicycle parking standard is to ensure that such parking is designed so bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage. The proposed bike racks combine the 6" stagger with the 1'-6" spacing to offset handlebars to provide an ease of use and security for bicycles equivalent to the 2' spacing of non-staggered side by side racks. The in-unit bike racks provide space within a resident's own, secure dwelling unit to store their bike separate from the central bike room. This rack location has proved usable and successfully accommodates long term storage in other similar projects.

*Therefore, the City Council finds that the proposal meets the purpose of the standard being modified.*

*This Modification merits approval.*

**Modification #2:** Loading Area Setback Landscaping

*The standard requires:*

**Section 33.266.310.E** Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-7, which requires 5 feet of landscaping standard L2 or 10 feet of landscaping standard L1 at a lot line abutting an E1 zone lot line.

*The applicant proposes:*

To omit the required Loading Area Setback Landscaping between the loading space and the adjacent EG1 property off NW Irving.

**33.266.310: Purpose.** These regulations ensure that the appearance of loading areas will be consistent with that of parking areas.

**Better meets Historic Resource Review approval criteria.** The resulting development will better meet the approval criteria for Historic Resource Review than would a design that meets the standard being modified.

**Findings:** The modification to omit required 5 feet of L2 or 10 feet of L1 of loading area setback landscaping along the east property line better meets Historic Resource Review approval criteria for the following reasons:

The adjacent building along the east property line is located on the zero-lot line and consists of a 10-foot to 15-foot concrete wall. This wall provides direct screening to this development site (Exhibit APP.1-8 and 1-39). Placing a screening element on this site at this location is redundant due to the screening provided by the concrete wall. The Design Guidelines encourage enhanced site and building design (D3), safe outdoor areas (D1), and an active pedestrian network (E1). They aim to create safe and attractive areas, that remain compatible with the neighborhood. In the Historic Alphabet District, it is atypical to have a fence against an adjacent concrete block wall.

*Therefore, the City Council finds the proposal better meets Historic Resource Review approval criteria.*

**Purpose of the standard.** The resulting development will meet the purpose of the standard being modified.

**Findings:** The resulting development will meet the purpose of the standard because these regulations ensure that the appearance of loading areas will be consistent with that of parking areas. Relative to this development, the standard is to provide screening and landscape from adjacent properties. However, as noted above, placing a screening element on this site at this location is redundant due to the screening provided by the adjacent concrete wall. Eliminating the buffer at the east property line where they have little positive impact allows the applicant more flexibility elsewhere to include setbacks where it isn't required by code, but are more consistent with the Historic District, such as the proposed frontage landscape setbacks on Irving and Hoyt.

*Therefore, the City Council finds that the proposal meets the purpose of the standard being modified.*

*This Modification merits approval.*

### **(3) ADJUSTMENT REQUEST**

#### **Chapter 33.805 Adjustments**

##### **Section 33.805.010 Purpose**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply citywide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

**The following adjustment is requested:**

**Section 33.266.310.C: Number of Loading Spaces.** The North Building will contain 100 dwelling units and is therefore required to, and will, provide one Standard B loading space. Together, the Buck-Prager and the South Addition will contain 48 dwelling units and is therefore required to provide one Standard B loading space. This adjustment seeks to reduce the required number of loading spaces for the Buck-Prager and the South Addition from one Standard B loading space to no loading space.

### **33.805.040 Approval Criteria**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F have been met:

#### **Criterion A: Granting the adjustment will equally or better meet the purpose of the regulation to be modified.**

**Findings:** The purpose of the loading standards is as follows: “*A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.*” Section 33.266.310.A.

The City Council finds the requested adjustment will equally or better meet the purpose of the loading standards because the following site design features balance the need for loading with the requirement to reduce negative effects on other activities in the right-of-way.

- Developments such as this, consisting of studio apartments, tend to have minimal apartment turnover and less need for unloading larger furniture.
- Providing full landscape screening between the adjacent residential home will enhance the appearance and livability of the neighborhood and pedestrian area.
- The size of the curb cut needed to accommodate an on-site loading zone would impinge on the right-of-way and would be as large as the loading space itself. This would negatively affect the right-of-way sidewalk and neighborhood appearance.
- In providing a safe and attractive area for pedestrians and motorists consistent with that of the parking area standard (Chapter 33.266.130), moving the loading space to the street consolidates the vehicle area. Further, it does not interrupt the pedestrian sidewalk in the right-of-way. This provides a safer area for residents to unload belongings, while maintaining the pedestrian route.

The Bureau of Transportation Engineering supports this adjustment request for the following reasons (Exhibit E.2):

- The Type B space being eliminated is for the studio apartment component. These have a much lower turnover rate and being studios, not as much to move in or out.
- There will be one on-site Type B on Irving to serve the other units. PBOT’s view of on-site Type B spaces has been evolving over the past few years. Our experience has been that most are not being used for loading, but as a trash and recycling areas with a curb cut to wheel out the dumpsters. The curb cut for a Type B space is 10-feet wide with 6-foot wide commercial wings. The 22 feet of curb space is permanently lost for private use. PBOT would rather have control over how the curb zone is managed. By allowing an on-street loading space, PBOT can sign the hours, so it is available to residents and visitors during peak demand times.

*For these reasons, the approval criterion is met.*

**Criterion B: If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS C, E, or I zone, the proposal will be consistent with the desired character of the area.**

**Findings:** The City Council finds the project is zoned RH (high density residential) and located in the Historic Alphabet District. As stated above, the studio apartment component will have a much lower turnover rate, and being studios, residents will not have as many bulky items such as furniture to move in or out. Additionally, locating a loading bay in a building facing a sidewalk is not consistent with the neighborhood, and, locating a loading bay alongside a property line shared with the adjacent residence on Hoyt does not make a good neighbor either. By not providing a loading space adjacent to this residential property to the east, this proposal will enhance the livability of the neighborhood and surrounding neighbors, accommodate pedestrian traffic on NW Hoyt, and free up more area for landscaping. The smaller-scaled neighborhood feel is maintained, as opposed to placing a large loading space in between residential properties.

*For these reasons, the approval criterion is met.*

**Criterion C: If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone.**

**Findings:** Only one adjustment is requested.

*This criterion does not apply.*

**Criterion D: City-designated scenic resources and historic resources are preserved.**

**Findings:** This project includes a city-designated historic resource, which is a Contributing Resource. There are also additional resources across the street from, not abutting, this project. This adjustment does not negatively impact these historic resources. Rather, the adjustment would further aid the appearance of the neighborhood and maintain the street fabric, as noted above.

*For these reasons, the approval criterion is met.*

**Criterion E: Any impacts resulting from the adjustment are mitigated to the extent practical.**

**Findings:** There is little impact resulting from not providing one off-street loading space. As noted above, the proposed studio units have a low turnover rate, and being studios, residents will not have as much to move in or out. Additionally, by not providing an off-street loading space which requires 22 feet of curb cut, this length of sidewalk and on-street parking area will remain available for public use. By keeping the space as an on-street loading space, PBOT can assign the hours, so it is available to residents and visitors during peak demand times.

*For these reasons, the approval criterion is met.*

**Criterion F: If in an environmental zone, the proposal has a few significant detrimental environmental impacts on the resource and resource values as is practicable.**

**Findings:** There are no environmental overlay zones on the site.

*This criterion does not apply.*

*Therefore, this Adjustment merits approval.*

### **CONDITION REQUIREING AFFORDABILITY**

The City Council has considered the appellants' request to impose a condition requiring affordability on the project and finds that doing so would be beyond the scope of this Historic Resource Review process because the requirement is not relevant to any of the applicable approval criteria. The Council has considered the appellants' concerns regarding bias on the part of the Landmarks Commission in favor of the project and finds that the Landmarks Commission properly approved the project by addressing the applicable approval criteria and was not unduly swayed by discussion of affordability. The Council has further considered the appellants' concerns that the applicant may sell the site and future owners would not include affordable housing. The Council finds that such concerns are not relevant to the approval criteria. Council declines to impose a condition requiring affordability.

### **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

### **PROCEDURAL ISSUES RAISED**

Appellants and supporters of the appeal raised the following procedural issues that the City Council responds to below.

#### **1. Application was declared complete when Guideline P1 had not been addressed.**

The appellants assert that the application was deemed complete before a response to guideline P1 was received.

The application for this land use review was submitted on June 15, 2018. On July 5, 2018, the applicant requested that the application be deemed complete. Even after an application has been deemed "complete," the record is not closed. The applicant or interested parties are not barred from providing additional information. Additional information can, and usually is, submitted after an application is deemed complete. In this case, further information was provided after the application was deemed complete, including findings for P1 (Exhibits A.5-11).

#### **2. The hierarchy of regulations was not followed.**

The appellants assert that discussions by Landmarks Commission at DARs and hearing indicated more reliance on base zone allowances than approval criteria for Historic Review.

PCC 33.700.070.E describes the City's hierarchy of regulations. When regulations conflict, those of a plan district supersede regulations of overlay and base zones, and overlay zones supersede those of a base zone.

The Zoning Code does not define “conflict.” In *Sellwood-Moreland Imp League v. City of Portland*, 262 Or App 9 (2014), the Court of Appeals considered the application of the term “conflict” in the context of PCC 33.700.070.E. The Court found that “the intransitive verb “conflict” means “to show variance, incompatibility, irreconcilability, or opposition: evidence variance or disharmony calling for adjustment, harmonizing, bringing into accord.” Citing Webster's Third New Int'l Dictionary 477 (unabridged ed. 2002).

Appellants failed to explain or specify how the base zone and overlay zone are in conflict.

The City Council agrees with the Landmarks Commission's Final Findings that in this case, there is no conflict between the Historic Overlay Zone and base zone allowances. The Historic Overlay Zone and the base zone allowances are not incompatible/irreconcilable because the Historic Landmarks Commission found the proposal both met the applicable approval criteria as well as stayed within base zone allowances.

### **3. An incomplete history of site was provided.**

The appellants assert that while the previous case on this site-Demolition Review (LU 14-210073 DM)-was mentioned, no information about Council's findings and recommendations related to design was included in staff report or discussed by Commission. History and design of adjacent structures are also important, but no information in staff report or discussion by Commission.

Regarding the concern that the Type IV Demolition Review was not addressed during this review, this review was mentioned in the Final Findings, the DAR summary notes and the staff presentation to the HLC on 8/27/18. In-depth findings of that Type IV review were not replicated in the final findings because, unlike that review, which was for the demolition of the Buck-Prager, this proposal keeps that resource.

See also findings under “Community Design Guideline P2: Historic and Conservation Districts” noting these two applications are for very different proposals that are decided under different code sections and criteria, and therefore it is appropriate for Council to not rely on the prior decision.

### **4. Public comments addressing approval criteria were not acknowledged or evaluated.**

The appellants assert that concerns raised in letters were summarized with the briefest of words, and there was no evaluation.

The Landmarks Commission considered all of the evidence in the record. Similarly, City Council considered all of the evidence in the record, including oral and written testimony. Council fully evaluated the testimony in response to each of the approval criteria.

Council finds that appellants do not identify any issues that were inadequately addressed by the Commission's Decision or by council and have therefore failed to establish either procedural or substantive prejudice.

### **5. Harassment of one Historic Landmarks Commissioner adversely affected the proceedings.**

The appellants assert that the harassment of one Historic Landmarks Commissioner adversely affected the proceedings, and the City failed to create a safe and comfortable environment for all members of public to comment, and for Landmarks Commissioners to freely deliberate.

At the Historic Resource Review hearings, Commissioners present confirmed that they were able to make a fair and impartial decision. Council reviewed the record and finds that no concerns were voiced by the Commission about being able to discuss the proposal freely, and no mention was made about the inability to apply the applicable approval criteria.

## **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 proposed development meets the applicable Historic Resource Review criteria, modification criteria, and adjustment criteria, and therefore warrants approval.

Previous attempts to redevelop this site include a proposal in 2014 for the demolition of the historic resource on the site. Ultimately, that Type IV Demolition application was denied by City Council, and the historic resource remains standing. This proposed half-block development will renovate and seismically upgrade the resource, thereby helping to retain the historic asset, and add two compatible infill structures, the South Addition and the North Building.

## **V. CITY COUNCIL DECISION**

It is the decision of the City Council to deny the appeals of the Historic Landmarks Commission decision (LU18-187493 HRM AD) and thereby approve the Historic Resource Review for 148 new residential housing units across three buildings:

- The adaptive reuse and seismic upgrading of the existing 3-story Contributing Resource, the "Buck-Prager Building";
- The "South Addition", a new 4-story addition to the Buck-Prager, which together with the Buck-Prager, will house 48 residential housing units; and,
- The "North Building", a new 5-story plus basement building containing 100 residential housing units.

Approval for two (2) **Modification** requests:

1. Standards for all Bicycle Parking (33.266.220.C.B). To reduce the required spacing between long-term bike parking spaces in the bike areas from 2'-0" to 1'-6" and to provide non-lockable bike racks in dwelling units; and,
2. Loading, Screening (33.266.310.E). To omit the required 5 feet of L2 or 10 feet of L1 landscape screening buffer at the loading space off NW Irving.

Approval for one (1) **Adjustment** request:

1. Loading, Number of Spaces (33.266.310.C). To reduce the required number of loading spaces from two Standard B spaces to one Standard B space.

Approval for **non-standard development in the rights-of-way** on NW 18<sup>th</sup>, NW Hoyt and NW Irving.

Approvals per Exhibits C.1-C-73, signed, stamped, and dated October 3, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B – I) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled “ZONING COMPLIANCE PAGE- Case File LU 18-187493 HRM, AD. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled “REQUIRED.”
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.
- D. The main entries of the North Building and the South Addition shall be custom wood storefronts, as shown in Exhibits C.68 and C.69.
- E. The fiber cement detailing of the North Building recesses shall match bays, as shown in Exhibit C.70.
- F. The glazing of the South Addition patios shall have both faces operable and lie flush when closed, as shown in Exhibit C.67.
- G. If proposed non-standard improvements in the Right-of-Ways, as shown in Exhibit C.48, are not approved by PBOT, standard improvements are acceptable. For non-standard development that differs from Exhibit C.48, additional reviews may be required.
- H. Irrigation shall be provided for the street frontage landscaping, as shown in Exhibit C.48.
- I. Applicant shall work with Urban Forestry and BDS staff to maximize the number and size of street trees on all three frontages.

## APPEAL INFORMATION

This is the City’s final decision on this matter. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date of the decision, 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 or this land use review. You may call LUBA at 503-373-1265 for further information on filing an appeal.

## EXHIBITS NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Statement:
  1. Original Submittal, 6.9.18
  2. Response to staff email, 6/25/18
  3. 100-day timeline not applicable, 7/3/18
  4. Request to deem application complete, 3/7/18
  5. FAR diagrams, 7/9/19
  6. Revised FAR diagram, 7/10/18
  7. Geotech report & other Service Bureau issues, 7/13/18

8. LP siding and Fiber Cement option, 7/24/18
9. Prelim Site Utility Plan, 7/24/18
10. Response to staff concerns, 8/1/18
11. Draft set, 8/1/18

B. Zoning Map (attached):

C. Plans & Drawings:

1. EXISTING SITE PLAN
2. PROPOSED SITE PLAN (attached)
3. BUILDING PLANS
4. BUILDING PLANS
5. BUILDING PLANS
6. BUILDING PLANS
7. BUILDING PLANS
8. BUILDING PLANS
9. BUILDING PLANS
10. BUILDING ELEVATIONS
11. BUILDING ELEVATIONS (attached)
12. BUILDING ELEVATIONS
13. BUILDING ELEVATIONS (attached)
14. BUILDING ELEVATIONS (attached)
15. BUILDING ELEVATIONS
16. BUILDING ELEVATIONS (attached)
17. BUILDING SECTIONS
18. BUILDING SECTIONS
19. BUILDING SECTIONS
20. SITE SECTION LOOKING EAST
21. BUILDING ELEVATION - BUCK-PRAGER/ SOUTH ADDITION ANALYSIS
22. EXTERIOR MATERIAL PALETTES
23. EXTERIOR MATERIAL PALETTES
24. EXTERIOR MATERIAL PALETTES
25. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - SOUTH ADDITION
26. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - SOUTH ADDITION
27. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - SOUTH ADDITION
28. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - SOUTH ADDITION
29. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - SOUTH ADDITION
30. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - SOUTH ADDITION
31. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - SOUTH ADDITION
32. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - BUCK-PRAGER
33. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - BUCK-PRAGER
34. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - BUCK-PRAGER
35. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - BUCK-PRAGER
36. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - NORTH BUILDING
37. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - NORTH BUILDING
38. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - NORTH BUILDING
39. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - NORTH BUILDING
40. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - NORTH BUILDING
41. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - NORTH BUILDING
42. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - NORTH BUILDING
43. ENLARGED ELEVATIONS, SECTIONS, AND DETAILS - NORTH BUILDING
44. Not Used
45. CIVIL GRADING PLAN
46. CIVIL UTILITY PLAN
47. TREE PLAN

48. SITE LANDSCAPE PLAN
  49. PLANT SCHEDULE
  50. LANDSCAPE DETAILS
  51. LANDSCAPE PLANT PALETTE
  52. Not Used
  53. BIKE PARKING - LONG TERM
  54. BIKE PARKING - ELEVATIONS, DETAILS AND COUNT
  55. EXTERIOR LIGHTING PLAN AND FIXTURES
  56. SIGNAGE PLAN
  57. CUT SHEETS
  58. CUT SHEETS
  59. CUT SHEETS
  60. CUT SHEETS
  61. CUT SHEETS
  62. CUT SHEETS
  63. CUT SHEETS
  64. CUT SHEETS
  65. CUT SHEETS
  66. CUT SHEETS
  67. In-swinging French Doors
  68. North Building Storefront Entry Alternate - Custom wood system (APP.2-12)
  69. South Addition Storefront Entry Alternate - Custom wood system (APP.2-14)
  70. Enlarged Details – North Building Recess (APP.2-15)
  71. Preliminary Street Trees, NW Irving
  72. Preliminary Street Trees, NW 18th
  73. Preliminary Street Trees, NW Hoyt
- D. Notification information:
1. Request for response
  2. Posting letter sent to applicant
  3. Notice to be posted
  4. Applicant's statement certifying posting
  5. Mailing list
  6. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Life Safety Review Section of Bureau of Development Services
  5. Bureau of Parks, Forestry Division
- F. Letters:
1. Lucas Gray, on 8/3/18, wrote in support of proposal.
  2. Tim Davis, on 8/3/18, wrote in support of proposal.
  3. Leon Porter, on 8/4/18, wrote in support of proposal.
  4. Stephen Judkins, on 8/4/18, wrote in support of proposal.
  5. Alan Kessler, on 8/7/18, wrote in support of proposal.
  6. Holly Balcom, on 8/7/18, wrote in support of proposal.
  7. Paul Del Vecchio, on 8/7/18, wrote in support of proposal.
  8. Tony Jordan, on 8/7/18, wrote in support of proposal.
  9. Aaron Brown, on 8/7/18, wrote in support of proposal.
  10. Josh Baker, on 8/8/18, wrote in support of proposal.
  11. Eric Lindsay, on 8/9/18, wrote in support of proposal.
  12. Brad Baker, on 8/9/18, wrote in support of proposal.

13. Josh Mahar, on 8/9/18, wrote in support of proposal.
14. Thomas Craig, on 8.9.18, wrote in support of proposal.
15. Hannah Penfield, on 8/9/18, wrote in support of proposal.
16. Isaac Byrd, on 8/9/18, wrote in support of proposal.
17. Doug Klotz, 8/9/18, wrote in support of proposal.
18. Blake Goud, on 8/9/18, wrote in support of proposal.
19. Aaron Ilika, on 8/10/18, wrote in support of proposal.
20. Suzy Elbow, on 8/10/18, wrote in support of proposal.
21. Henry Kraemer, on 8/10/18, wrote in support of proposal.
22. Mark Workman, on 8/13/18, wrote in support of proposal.
23. Madeline Kovacs, on 8/13/18, wrote in support of proposal.
24. Iain Mackenzie, on 8/13/18, wrote in support of proposal.
25. Annette Suchy, on 8/15/18, wrote with concerns about proposal.
26. Richard U'Ren and Annette Jolin, on 8/15/18, wrote with concerns about proposal.
27. Tony Schwartz, on 8/15/18, wrote with concerns about proposal.
28. Dragana Milosevic, on 8/15/18, wrote with concerns about proposal.
29. Allen Buller, on 8/15/18, wrote with concerns about proposal.
30. Vicki Skryha, on 8/15/18, wrote with concerns about proposal.
31. Steve Connolly, on 8/15/18, wrote with concerns about proposal.

G. Other:

1. Original LUR Application
2. Pre-Application Conference Summary Memo, 12/26/17
3. Design Advice Request Summary Memos, 5/16/18
4. Request for Completeness with BES response, 6/9/18
5. Incomplete Letter, 6/29/18
6. Staff mail with Service Bureau issues, 7/3/18
7. Email chain regarding P1, 8/2/18
8. Alphabet Historic District National Register nomination excerpt (by reference)
9. Alphabet Historic District: Community Design Guidelines: Addendum, September 5, 2000

H. Commission exhibits

(Received before first Hearing)

1. Drawing Set for hearing, 8/2/18
2. Staff Report for first hearing, 8/2/18
3. Staff Memo for first hearing, 8/2/18
4. Letter, Rob Fullmer, 8/16/18, wrote with concerns about proposal.
5. Letter, Jill Warren, 8/16/18, wrote with concerns about proposal.
6. Letter, Jenny Mosbacher, 8/16/18, wrote with support for proposal.
7. Letter, Jim Heuer, 8/16/18, wrote with concerns about proposal.
8. Letter, Vicki Skryha, 8/16/18, again, wrote with concerns about proposal.
9. Letter, Daniel Anderson, 8/17/18, wrote with concerns about proposal.
10. Letter, Brad Hochhalter, 8/19/18, wrote with concerns about proposal.
11. Letter, Dennis Harper, 8/20/18, wrote with concerns about proposal.
12. Letter, Carolyn Cosgriff, 8/21/18, wrote with concerns about proposal.
13. Letter, Braden Bernards, 8/21/18, wrote in support of proposal.
14. Letter, NWDA, 8/22/18, wrote with concerns about proposal.
15. Letter, Jill Warren, 8/22/18, again, wrote with concerns about proposal.
16. Letter, Sandra Moreland, 8/22/18, wrote with concerns about proposal.
17. Letter, Steve & Laurie Caldwell, 8/22/18, wrote with concerns about proposal.
18. Letter, Erich Austin & Tanya Loucks, 8/22/18, wrote with concerns about proposal.

19. Letter, Carolyn Sheldon, 8/22/18, wrote with concerns about proposal.
20. Letter, JoZell Johnson, 8/22/18, wrote with concerns about proposal.
21. Letter, Jessica Richman, 8/22/18, wrote with concerns about proposal.
22. Letter, Page Stockwell, 8/24/18, wrote with concerns about proposal.
23. Letter, Jessica Richman, 8/26/18, again, request to hold case open.
24. Letter, JoZell Johnson, 8/26/18, again, wrote with concerns about proposal.
25. Letter, Jessica Richman, 8/26/18, again, wrote with concerns about proposal.
26. Letter, Geoff Rogers, 8/26/18, wrote with concerns about proposal.
27. Letter, Vicki Skryha, 8/27/18, again, wrote with concerns about proposal.
28. Letter, Page Stockwell, 8/27/18, again, wrote with concerns about proposal.
29. Letter, Mark Hails & Peg King, 8/27/18, wrote with concerns about proposal.

(Received at first Hearing on 8/27/18)

30. Staff presentation, 8/27/18
- 31a. Applicant presentation (full document), 8/27/18
- 31b. Applicant presentation (extract), 8/27/18
32. Public testimony Sign-in sheet, 8/27/18
33. Letter, Allen Buller, 8/27/18, again, wrote with concerns about proposal.
34. Letter, Vicki Skryha, 8/27/18, again, wrote with concerns about proposal.
35. Letter, Tony Schwartz, 8/27/18, again, wrote with concerns about proposal.
36. Standards for Rehabilitation for Historic Buildings, 8/27/18
37. Letter, Brooke Best, AHC, 8/27/18, wrote with concerns about proposal.
38. Letter, Daniel Anderson, 8/27/18, again, wrote with concerns about proposal.
39. Letter, Bill Welch, 8/27/18, wrote with concerns about proposal.
40. Letter, Wendy Rahm, 8/27/18, wrote with concerns about proposal.
41. Letter, Sarah Stevenson, Innovative Housing, 8/27/18, wrote in support of proposal.

(New Evidence, received before 5pm on September 4, 2018)

42. Memo from CHA regarding height, received 8/30/18
43. Memo from CHA with revisions list, received 8/30/18
44. Revised "C" drawings, 8/30/18
45. Revised "Appendix" drawings, 8/30/18
46. Letter, Mary Ann Pastene, 8/30/18, wrote with concerns about proposal.
47. Memo from CHA with revisions list, 8/31/18
48. Revised "C" drawings, 8/31/18
49. Revised "Appendix" drawings, 8/31/18
50. Letter, Wendy Rahm, 9/1/18, again, wrote with concerns about proposal.
51. Letter, Margaret King, 9/4/18, wrote with concerns about proposal.
52. Letter, Mark Hails and Peg King, 9/4/18, again, wrote with concerns about proposal.
53. Letter, Jessica Richman, 9/4/18, again, wrote with concerns about proposal.
54. Memo from CHA regarding Parge Coating, 9/4/18
55. Memo from CHA regarding Street trees, 9/4/18
56. Memo from CHA with revisions list, 8/31/18
57. Letter, Verlana Orr, 9/4/18, wrote with concerns about proposal.
58. Letter, JoZell Johnson, 9/4/18, again, wrote with concerns about proposal.

(Response to New Evidence, received before 5pm on September 11, 2018)

59. Memo from CHA with revisions list, 9/11/18
60. Letter from Tim Ramis, 9/11/18

(Applicant's Final Rebuttal, received before 5pm on September 18, 2018)

61. Memo from CHA with final rebuttal, 9/18/18

*(Staff information after 5pm on September 18, 2018)*

62. Tentative Final Findings, 9/20/2018
63. Memo to Commission, 9/20/18
64. Staff PPT for second hearing, 9/24/18

## I. Appeal

*(Evidence received before the first City Council appeal hearing on November 29, 2018)*

1. Final Findings and Decision of the Design Commission email list, sent 10/8/2018
2. Mailed Final Findings and Decision of the Design Commission email list
3. Appeal Statement and Appeal Form from NWDA, received 10/22/2018 at 2:45pm
4. Appeal Statement and Appeal Form from Tony Schwartz, received 10/22/2018 at 4:09pm
5. Request for Extension of 120-Day Review Period, 10/26/18
6. Notice of Appeal Mailing List, sent 10/26/18
7. Mailed Notice of Appeal
8. Revised Notice of Appeal Mailing List, sent 11/6/18
9. Revised Mailed Notice of Appeal
10. CAB briefing packet, 10/14/2018
11. City Council packet, 10/15/2018
12. Email testimony from Ciaran Connelly, NWDA, in favor of appeal, 11/19/2018
13. Email testimony from Cozette Tran-Caffee, representing applicant, NHA, in opposition of appeals, 11/26/2018
14. Email testimony from Josh Mahar, again, in opposition of appeals, 11/26/2018
15. Email testimony from Ms. Michael James, in favor of appeals, 11/26/2018
16. Email testimony from Vicki Skryha, again, in favor of appeals, 11/27/2018
17. Email testimony from Brad Hochhalter, again, in favor of appeals, 11/27/2018
18. Email testimony from JoZell Johnson, again, in favor of appeals, 11/27/2018
19. Email testimony from Jacob Gellman, in opposition of appeals, 11/27/2018
20. Email testimony from Brad Baker, again, in opposition of appeals, 11/27/2018
21. Email testimony from Marshall Steeves, in opposition of appeals, 11/27/2018
22. Email testimony from Russell Simmons, in opposition of appeals, 11/27/2018
23. Email testimony from Michael Stockdale-Frazier, in opposition of appeals, 11/27/2018
24. Email testimony from Brooke Best, AHC, again, in favor of appeals, 11/27/2018
25. Email testimony from Allen Buller, AHC, again, in favor of appeals, 11/27/2018
26. Email testimony from Tony Schwartz, again, in favor of appeals, 11/28/2018
27. Email testimony from Dragana Milosevic, again, in favor of appeals, 11/28/2018
28. Email testimony from Erich Austin & Tanya Loucks, again, in favor of appeals, 11/28/2018
29. Email testimony from Carolyn Sheldon, again, in favor of appeals, 11/28/2018
30. Email testimony from Steve & Laurie Caldwell, again, in favor of appeals, 11/28/2018
31. Email testimony from Page Stockwell, again, in favor of appeals, 11/28/2018
32. Email testimony from Holly Balcom, again in opposition of appeals, 11/28/2018
33. Email testimony from Julie Garver, in opposition of appeals, 11/28/2018
34. Email testimony from Travis Phillips, in opposition of appeals, 11/28/2018

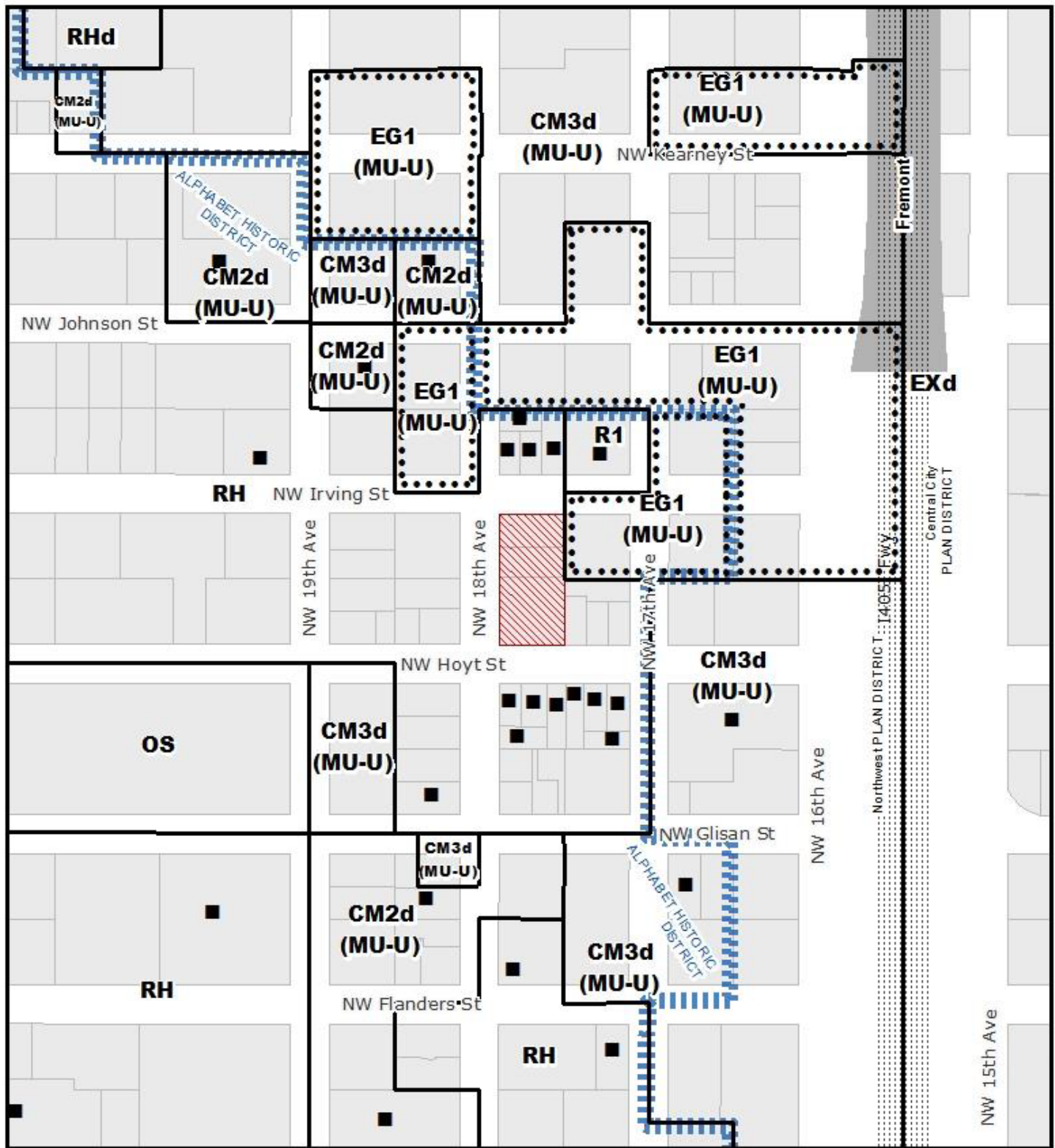
35. Email testimony from Michael Orange, in opposition of appeals, 11/28/2018
36. Email testimony from Karstan Lovorn, in opposition of appeals, 11/28/2018
37. Email testimony from Rabbi Benjamin Barnett, Havurah Shalom, in opposition of appeals, 11/28/2018
38. Email testimony from Blake Goud, again, in opposition of appeals, 11/28/2018
39. Email testimony from Rob Fullmer, again, in favor of appeals, 11/28/2018
40. Email testimony from Jere Grimm, in opposition of appeals, 11/28/2018
41. Email testimony from Tony Jordan, again in opposition of appeals, 11/28/2018
42. Email testimony from Daniel Anderson, again, in favor of appeals, 11/28/2018

*[Evidence received on day of the first City Council appeal hearing on November 29, 2018]*

43. Email testimony from Regina Tricamo, in opposition of appeals, 11/29/2018
44. Email testimony from Heidi Steffens, in favor of appeals, 11/29/2018
45. Email testimony from Iain MacKenzie, again, in opposition of appeals, 11/29/2018
46. Email testimony from Stephen McMurtrey, in opposition of appeals, 11/29/2018
47. Email testimony from Blaine Palmer, in opposition of appeals, 11/29/2018
48. Email testimony from Paul Frazier, in opposition of appeals, 11/29/2018
49. Email testimony from Eric Lindsay, again, in opposition of appeals, 11/29/2018
50. Email testimony from Matt Brischetto, in favor of appeals, 11/29/2018
51. Email testimony from Thomas Mullaney, in favor of appeals, 11/29/2018
52. Email testimony from Harold Forman, in favor of appeals, 11/29/2018
53. Email testimony from Zoe Keliher, in favor of appeals, 11/29/2018
54. Testimony from Doug Klotz, again, in opposition of appeals, 11/29/2018
55. Testimony from Thomas Gihring, in opposition of appeals, 11/29/2018
56. Testimony from Jill Warren, again, in favor of appeals, 11/29/2018
57. Testimony from Madeline Kovacs, Portland for Everyone, again, in opposition of appeals, 11/29/2018
58. Email testimony from Saxon Mullaney, in favor of appeals, 11/29/2018

*[Evidence received at the first City Council hearing on November 29, 2018]*

59. Staff Presentation to Council, 11/29/2018
60. Appellant #1 Presentation to Council, 11/29/2018
61. Appellant #2 Presentation to Council, 11/29/2018
62. Applicant's Presentation to Council, 11/29/2018
63. Testimony sign-in sheet for the Appeal, 11/29/2018



# ZONING

↑  
NORTH

THIS SITE LIES WITHIN THE:  
NORTHWEST PLAN DISTRICT  
ALPHABET HISTORIC DISTRICT

-  Site
-  Historic Landmark
-  Bridge

File No.	LU 18-187493 HRM AD
1/4 Section	2928
Scale	1 inch = 200 feet
State ID	1N1E33AC 4200
Exhibit	B Jun 19, 2018

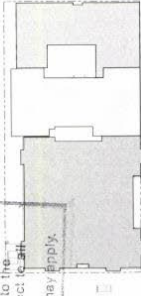
Architectural elevation drawing of a building facade, showing levels, heights, and grid lines. The drawing includes a central section with a gabled roof and two side sections. Grid lines are numbered 1 through 34. Levels are marked with heights: Level 5 (39'-5"), Level 4 (29'-8"), Level 3 (19'-10"), Level 2 (10'-0"), Level 1 (0'-0"), and I.O. Parapet (53'-0"). The drawing also shows a basement level and a grade plane. The building is situated between NW Irving Street and NW Hoyt Street.

1. Modular brick, running bond, color 1
2. Modular brick, running bond, color 2
3. Modular brick, stacked bond, color 3
4. Existing modular brick, running bond, color 4.  
Restore and repoint
5. Fiber cement panel siding, white
6. Metal panel siding, dark bronze
7. Metal trim/flushing, white
8. Metal trim/flushing, dark bronze
9. Fiberglass window, white
10. Fiberglass window, dark bronze
11. Custom wood window, painted
12. Reconstructed rough opening with custom wood windows, painted

13. Fiberglass patio door, dark bronze
14. Architectural metal grille, white
15. Architectural metal grille, dark bronze
16. Composite trim, white
17. Parge coat over brick, white
18. Parge coat over brick, light gray
19. Restore and repaint existing parge coating, dark gray
20. Steel entrance canopy
21. Metal parapet eyebrow, based on historic photo
22. Wood entrance door and sidelites, painted
23. Aluminum storefront with sidelites, white
24. Aluminum storefront with sidelites, dark bronze
25. Metal cornice
26. Decorative metal guardrail, laser-cut and painted

27. Decorative metal gate
28. Wood bracketing, painted
29. Precast concrete panel
30. Precast concrete sill
31. Wall sconce
32. Metal exhaust vent, painted surface
33. Roof access beyond, fiber dark bronze
34. Window graphic with historical Buck-Prager Building
35. Generator Exhaust grille

\*Approved by of Planning  
Bureau of Development Services  
Planner  
Date 10/3/18



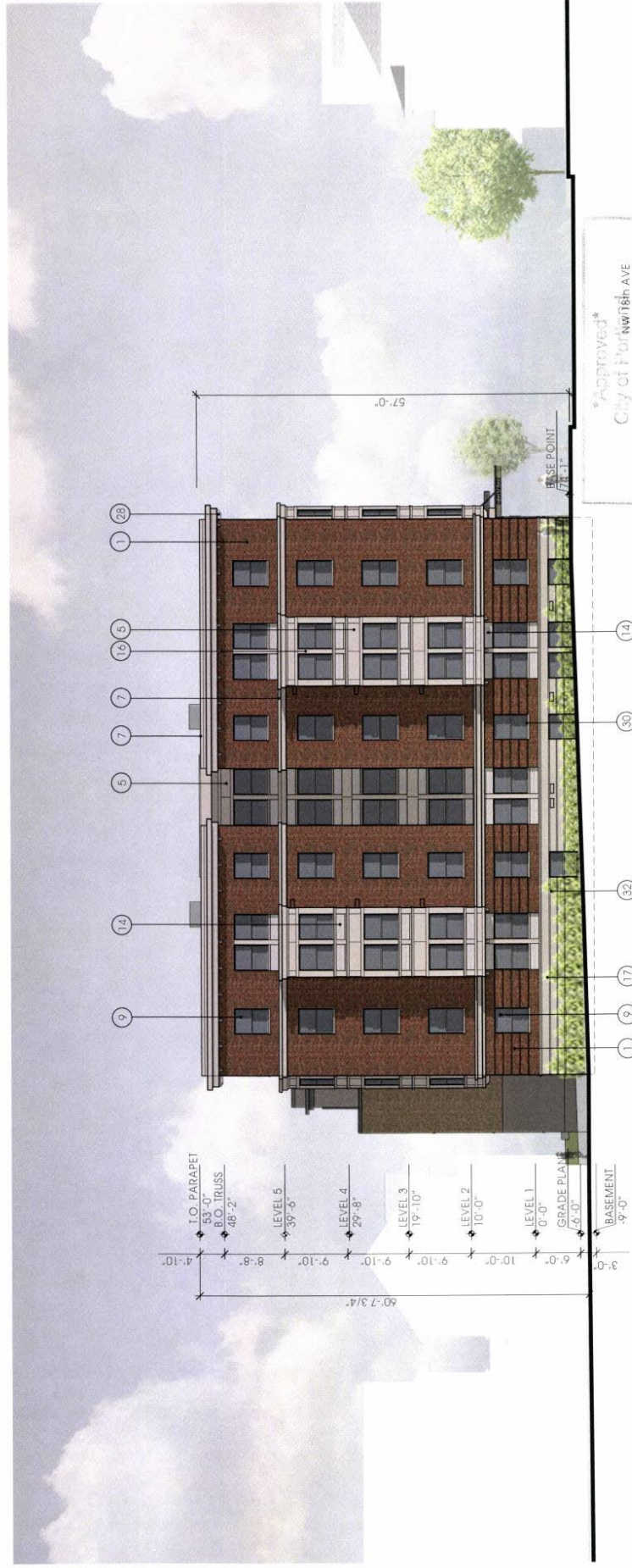
### KEY PLAN

CARLETON HART  
ARCHITECTURE

**BLOCK 162 APARTMENTS**  
08.10.2018

LU 18-187493 HRM  
AD

# BUILDING ELEVATION - NORTH



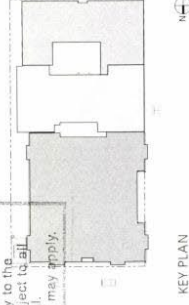
## KEYNOTES

1. Modular brick, running bond, color 1
2. Modular brick, running bond, color 2
3. Modular brick, stacked bond, color 3
4. Existing modular brick, running bond, color 4.
5. Fiber cement panel siding, white
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12. Reconstructed rough opening with custom wood windows, painted

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25. Metal cornice
26. Decorative metal guardrail, laser-cut and painted

27. Decorative metal gate
28. Wood bracketing, painted
29. Precast concrete panel
30. Precast concrete sill
31. Wall sconce
32. Metal exhaust vent, painted to match adjacent surface
33. Roof access beyond, fiber cement panel siding, dark bronze
34. Window graphic with historical information on Buck-Prager Building
35. Generator Exhaust grille

Approved\*  
City of Portland  
Bureau of Development Services  
Planner  
Date 10/3/18  
\*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



KEY PLAN

# BUILDING ELEVATION - EAST



# BUILDING ELEVATION - SOUTH



## KEYNOTES

1. Modular brick, running bond, color 1
2. Modular brick, running bond, color 2
3. Modular brick, stacked bond, color 3
4. Existing modular brick, running bond, color 4, restore and repaint
5. Fiber cement panel siding, white
6. Metal panel siding, dark bronze
7. Metal trim/flushing, white
8. Metal trim/flushing, dark bronze
9. Fiberglass window, white
10. Fiberglass window, dark bronze
11. Custom wood window, painted
12. Reconstructed rough opening with custom wood windows, painted

13. Fiberglass patio door, dark bronze
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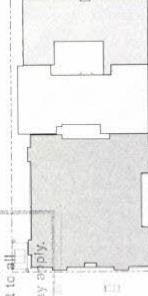
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29. Precast concrete panel
30. Precast concrete sill
31. Wall sconce
32. Metal exhaust vent, painted to match adjacent surface
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34. Window graphic with historical information on Buck-Prager Building
35. Generator Exhaust grille

\*Approved\*  
City of Portland  
Bureau of Development Services

Planner

Date 10/3/18

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KEY PLAN

