

Motions

November 29, 2018

1215

Appeal of Northwest District Neighborhood Association and Tony Schwartz against Historic Landmarks Commission's decision to approve Block 162 Apartments, a five-story plus residential development, at 1727 NW Hoyt St (Hearing introduced by Mayor Wheeler; LU 18-187493 HRM AD) 3 hours requested

Motion to tentatively deny the appeals, and uphold the Historic Landmarks Commission's decision to approve Block 162 Apartments Historic Review with modifications and adjustment: Moved by Saltzman and seconded by Eudaly.

Commissioners voted as follows:

YEAS: Eudaly, Fritz, Saltzman and Wheeler
Fish absent

**TENTATIVELY DENY THE
APPEALS AND UPHOLD
HISTORIC LANDMARKS
COMMISSION DECISION;
PREPARE FINDINGS FOR
DECEMBER 19, 2018
AT 10:00 AM
TIME CERTAIN**

December 19, 2018

1311

TIME CERTAIN: 10:30 AM – Appeal of Northwest District Neighborhood Association and Tony Schwartz against Historic Landmarks Commission's decision to approve Block 162 Apartments, a five-story plus residential development, at 1727 NW Hoyt St (Findings; Previous Agenda 1215; Introduced by Mayor Wheeler; LU 18-187493 HRM AD)

Motion to deny the appeals and uphold the Historic Landmarks Commission decision; adopt findings with a minor revision to page 10: Moved by Wheeler and seconded by Saltzman.

Commissioners voted as follows:

YEAS: Fritz, Saltzman and Wheeler
Eudaly and Fish absent

**FINDINGS
ADOPTED**

12/19 Revised Page

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 of 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 meets the definition of “new development”.

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

AGENDA ITEM 1311:

COUNCIL FINDINGS FOR LU 18-187493

HRM AD will be distributed on

TUESDAY, DECEMBER 18TH.

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Commissioners voted as follows:

YEAS: Eudaly, Fritz, Saltzman and Wheeler

Fish absent

**TENTATIVELY DENY THE
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City of Portland, Oregon
Bureau of Development Services
Office of the Director
FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner
Paul L. Scarlett, Director
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MEMORANDUM

November 15, 2018

To: Mayor Ted Wheeler
Commissioner Chloe Eudaly
Commissioner Nick Fish
Commissioner Amanda Fritz
Commissioner Dan Saltzman

From: Rebecca Esau, Director
Bureau of Development Services

Subject: City Council hearing on LU 18-187493 HRM AD – Block 162 Apartments, 1727 NW Hoyt

The purpose of this memorandum is to provide a summary and brief description of the land use review decision that has been appealed and will be presented to you in public hearing on November 29, 2018 at 2 PM, time certain.

Site Address: 1727 NW Hoyt Street

BDS Representative: Grace Jeffreys, City Planner
503-823-7840, grace.jeffreys@portlandoregon.gov

1. Land Use Reviews Requested: Type III Historic Resource Review (HR) with Modifications (M) and Adjustment (AD) requests.

2. Key Elements of Proposal:

Appellant #1: Ciaran Connelly on behalf of the Northwest District Neighborhood Association (NWDA)
Appellant #2: Tony Schwartz.
Applicants: Stephen McMurtrey, Northwest Housing Alternatives and Michelle Black, Carleton Hart Architecture
Owner: Mark P O'Donnell, Jane Enterprises LLC
Site Location: 1727 NW Hoyt
Site Size: 72,080 SF
Proposal: The proposal is for 148 new affordable housing units across three buildings located in the Alphabet Historic District and the Northwest Plan District.

- The first structure, the Buck-Prager Building (BP), is an existing 3-story Contributing Resource, which will be adaptive reused and seismically upgraded.
- The second structure, the South Addition (SA), will be a 4-story addition to the Buck-Prager, and together they will house 48 senior units.
- The third structure, the “North Building (NB), will be a 5-story plus basement containing 100 units of affordable work-force housing.

The site is approximately a half-block, located on the east side of NW 18th Avenue between NW Hoyt and NW Irving Streets. The south and north corners of the block currently contain surface parking lots facing NW Hoyt and NW Irving. Mid-block on NW 18th lies the Buck-Prager building, considered a Contributing Resource in the Alphabet Historic District and north of the Buck-Prager lies a 1-story, wood-framed multi-family residential building which will be demolished.

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 are proposed on NW Hoyt and NW Irving. This 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).

3. **Final Decision:** The Historic Landmarks Commission found that, with conditions, all applicable approval criteria were met; therefore, they approved the requests.

4. Alternatives Facing Council:

- Deny the appeal/s, and uphold the Historic Landmarks Commission’s decision to approve the requested Block 162 Apartments Historic Review (HR) with Modifications (M) and Adjustment (AD), case file # LU 18-187493 HRM AD.
- Deny the appeal/s, and uphold the Historic Landmarks Commission’s decision to approve, with additional conditions of approval and/or design revisions, the requested Block 162 Apartments Historic Review (HR) with Modifications (M) and Adjustment (AD), case file # LU 18-187493 HRM AD.
- Grant the appeal/s and overturn the Design Commission’s decision to the requested Block 162 Apartments Historic Review (HR) with Modifications (M) and Adjustment (AD), case file # LU 18-187493 HRM AD, thereby denying the proposal.

IMPACT STATEMENT

Proposal: The request is not for a legislative action, but instead is an appeal of a Type III Land Use Review decision (quasi-judicial action).

Contact name: Grace Jeffreys, City Planner, Land Use Services

Contact phone: 503-823-7840

Presenter name: Grace Jeffreys

Purpose of proposal and background information:

This is a quasi-judicial action. The Northwest District Neighborhood Association (Ciaran Connelly representing) is requesting appeal of a Type III Land Use Review decision (quasi-judicial action). Title 33, Zoning Code Section 33.730.030.F provides that Type III Land Use Review decisions may be appealed to City Council.

Financial and budgetary impacts:

This is not a legislative action, but rather an appeal of a Type III quasi-judicial land use review. The decision will not solely or substantially impact City revenues.

Generally, Land Use Reviews are fee supported. However, no appeal fees are charged to Recognized Organizations per Portland Zoning Code Chapter 33.910. In this case, because the Northwest District Neighborhood Association is such an organization, the appeal fee of \$5,000 was waived. There are no additional costs to the City associated with this appeal.

Community impacts and community involvement:

The notification procedures for this Type III land use application followed the public involvement requirements contained within the Portland Zoning Code, as reviewed and adopted by the Portland City Council.

For Type III Land Use Reviews, the Zoning Code requires public notice be mailed to recognized neighborhood and business associations that are within 1,000 feet of the site. For this site, the Northwest District Neighborhood Association, Nob Hill Business Association, Pearl District Business Association, Neighbors West/Northwest and the Pearl District Neighborhood Association all received notice. In addition, all property owners within the 400 feet of the site are also mailed notice of the public hearing and the site is posted with notice boards. City Bureaus are also mailed notice. Interested persons were encouraged to write and/or testify at the first public hearing conducted before the Design Commission.

A written Notice of Proposal was sent to the above-referenced entities notifying them of the proposal and seeking their comments. Comments from the public were received by city staff or the Design Commission during the review process.

The outcome of the appeal will not be known until the City Council makes its final decision. Once the City Council has made its decision on this land use appeal, there is no more opportunity for public involvement at the City level, per Zoning Code Section 33.730.030.H.9. However, the

City Council's decision on this quasi-judicial land use review may be appealed to the Oregon Land Use Board of Appeals (LUBA).

Budgetary Impact Worksheet

Does this action change appropriations?

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount