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

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Date: August 23, 2012

To: Interested Person

From: Staci Monroe, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 12-117519 HDZ - EXTERIOR BUILDING LIGHTS

GENERAL INFORMATION

Applicant/owner: Tom Johnston, 503-281-5777 / St. Mary Magdalene Catholic The Madeleine Parish / 3123 NE 24th Ave / Portland, OR 97212

Site Address: 3123 NE 24TH AVENUE

Legal Description: BLOCK 2 LOT 1-20, IRVINGTON
Tax Account No.: R420400210
State ID No.: 1N1E26AA 15500
Quarter Section: 2732
Neighborhood: Alameda, contact Jim Brown at 503-284-6455. Irvington, contact Dean Gisvold at 503-284-3885.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, Paige Coleman at 503-823-4575.
Plan District: None
Other Designations: Irvington Historic District
Zoning: R5 – Single Dwelling Residential 5000 zone
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Zoning: R5 – Single Dwelling Residential 5000 zone
Case Type: HDZ – Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:
The applicant seeks Historic Design Review approval for exterior wall-mounted lights installed on the west facade of the St. Mary Magdalene Catholic School in the Irvington Historic District. The 15 light fixtures, which were installed without the benefit of a historic design review, are to address safety concerns of those utilizing and accessing the building. The metal lights are mounted to the wall with exposed metal conduit running the length of the of west wall. Staff has worked with the applicant on the following changes that will better integrate these elements and reduce their impact on the district:

- Remove light fixture #3 and all connecting conduit above the entry;

- Remove light fixture #10 and all connecting conduit on the projecting 2nd floor bay;
- Add visors to all remaining light fixtures to focus the light downward;
- Attach all of the conduit to the top of the fixtures (rather than the sides) for a flusher conduit installation up against the cornice; and
- Paint all the conduit, light fixtures and visors to match the respective building surface.

Exterior alterations to a building within a Historic District requires Historic Design Review

Relevant Approval Criteria:
In order to be approved, this proposal must comply with the approval criteria of Title 33 of the Portland Zoning Code. The relevant approval criteria are:
- Other Approval Criteria - Section 33.846.060.G

ANALYSIS

Site and Vicinity: The St. Mary Magdalene Catholic Church and Madeleine Parish and School occupy the entirety of Block 2 and portions of Block 1 and 3 in the Irvington Subdivision, totaling 189,700 square feet in area. The site lies between NE 23rd and NE 24th with NE Siskiyou and NE Klickitat traversing the property east to west. The site includes a church, school, outdoor recreational field and parish office. The school, where the lights are proposed, is located along the western half of Block 2 fronting NE 23rd. The two-story school building was originally constructed in 1927 in the Gothic Revival style with a stucco finish. A newer, single-story addition has occurred on the northern end of the school. The light fixtures are located just above the 1st level along both new and original school building facades.

Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. Original development in many cases included garages or other accessory structures, typically facing side streets on corner lots and accessed by a variety of driveway types on mid-block sites. Garages that were added after original construction, but still within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

Zoning: The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

Land Use History: City records indicate the following prior land use reviews for this site:
- CU 017-68: A 1968 Conditional Use approval for a play area for a school-church complex with landscape screening and a waiver to permit the enclosing fence, if a chain-link type, to be 6 ft. high.
- CU 033-84: A 1984 Conditional Use approval for a parish hall on the existing church site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **March 29, 2012**.
The following Bureaus provided a response with no issues identified:
- Water Bureau (Exhibit E-1)

The following Bureaus did not respond with any concerns:
- Bureau of Environmental Services
- Fire Bureau
- Plan Review Section of BDS
- Site Development Section of BDS
- Bureau of Transportation Engineering
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 29, 2012. Three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Christine Hammock (property owner), April 18, 2012, concerns with the visual impacts from the lights, incompatible design with the building, necessity of lighting in general, among other items (Exhibit F-1).
- Dean Gisvold (Irvington Neighborhood Association Land Use Committee Chair), April 19, 2012, concerns with the impact on the character of the Historic District (Exhibit F-2).

Staff's Response: Visors will been added to the existing fixtures to help focus the light and reduce the excessive illumination. See the findings below for other measures that assist in reducing the impact on the Historic District.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Design Review

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

Historic Design Review Approval Criteria
Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

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

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

33.846.060 G - Other Approval Criteria

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

Findings: The designated property is the Irvington Historic District. Therefore, this review examines primarily impacts on the historic district. The original school building is a contributing resource; however, the newer addition at the north end does not contribute to the character of the district.

The light fixtures and conduit have been installed on the original school building along the cornice just above the first level as well as the newer addition under the roof edge and along the parapet. The fixture and conduit above the entry (#3) will be removed as it is not an appropriate way to illuminate a main building entrance. An existing ceiling light within the alcove will remain and is a more typical alcove treatment in a historic district. The fixture and conduit on the projecting upper bay will also be removed as it too is not a common feature on a bay element. In addition, the conduit in this location is so extensive that it cannot easily be concealed. The remaining fixtures will be better integrated with the building by adding simple, metal visors to focus the illumination, painting the visors, lights and conduit to match the building and relocating the conduit to the top of each fixture (rather than the sides) for a flusher installation under the cornice. On balance, these light fixtures are minor elements, that when better integrated with the building and painted to match the respective building surface (as conditioned) will not significantly affect the character of the historic district. *This criterion is met.*

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

Findings: The 13 light fixtures and associated conduit to remain are too minor to create a false sense of historic development. *This criterion is met.*

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

Findings: The light fixtures and conduit are affixed to the stucco exterior of the original school building. The newer addition has a similar finish with metal coping along the parapet. Although stucco is indicated as the original exterior material of the school, it is a material that can be easily patched and repaired. When the lights and conduit are removed in the future, the repaired stucco will not be detectable given the small size and elevated location of the wall penetrations. Given that the lighting alterations are fully reversible and differentiated by a more modern application, *this criterion is met*.

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

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

Findings for 8 and 10: The proposal achieves compatibility with the existing school building through the use of visors to prevent over illumination of the building, colored finishes that match the building and a flush installation under the cornice to better conceal the conduit. These measures, as well as removing fixtures #3 and #10, reduce the prominence of these minor building elements and therefore, on balance are compatible with the surrounding properties and larger historic district. *These criteria are met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. The light fixtures and conduit, as proposed to change, will blend in the building and will not negatively impact the character of the historic district. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the installed wall-mounted light fixtures on the west façade of the Madeleine School in the Irvington Historic District with the following changes:

- Remove light fixture #3 and all connecting conduit above the entry;
- Remove light fixture #10 and all connecting conduit on the projecting 2nd floor bay;
- Add visors to all remaining light fixtures to focus the light downward;
- Attach all of the conduit to the top of the fixtures (rather than the sides) for a flusher conduit installation up against the cornice; and
- Paint all the conduit, light fixtures and visors to match the respective building surface.

Per the approved site plans, Exhibits C-1 through C-4, signed and 8/20/2012, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-117519 HDZ. No field changes allowed."

B. Paint all conduit, light fixtures and visors to match the respective building surface.

Staff Planner: Staci Monroe

Decision rendered by: _____ on August 20, 2012

By authority of the Director of the Bureau of Development Services

Decision mailed: August 23, 2012

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on March 2, 2012, and was determined to be complete on **March 26, 2012**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 2, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended 135 days (see Exhibit G-3). Unless further extended by the applicant, **the 120 days will expire on December 6, 2012.**

Some of the information contained in this report was provided by the applicant.
As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 6, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of $250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional

information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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

Recording the final decision.
If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.
- *Unless appealed,* The final decision may be recorded on or after **September 6, 2012.**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

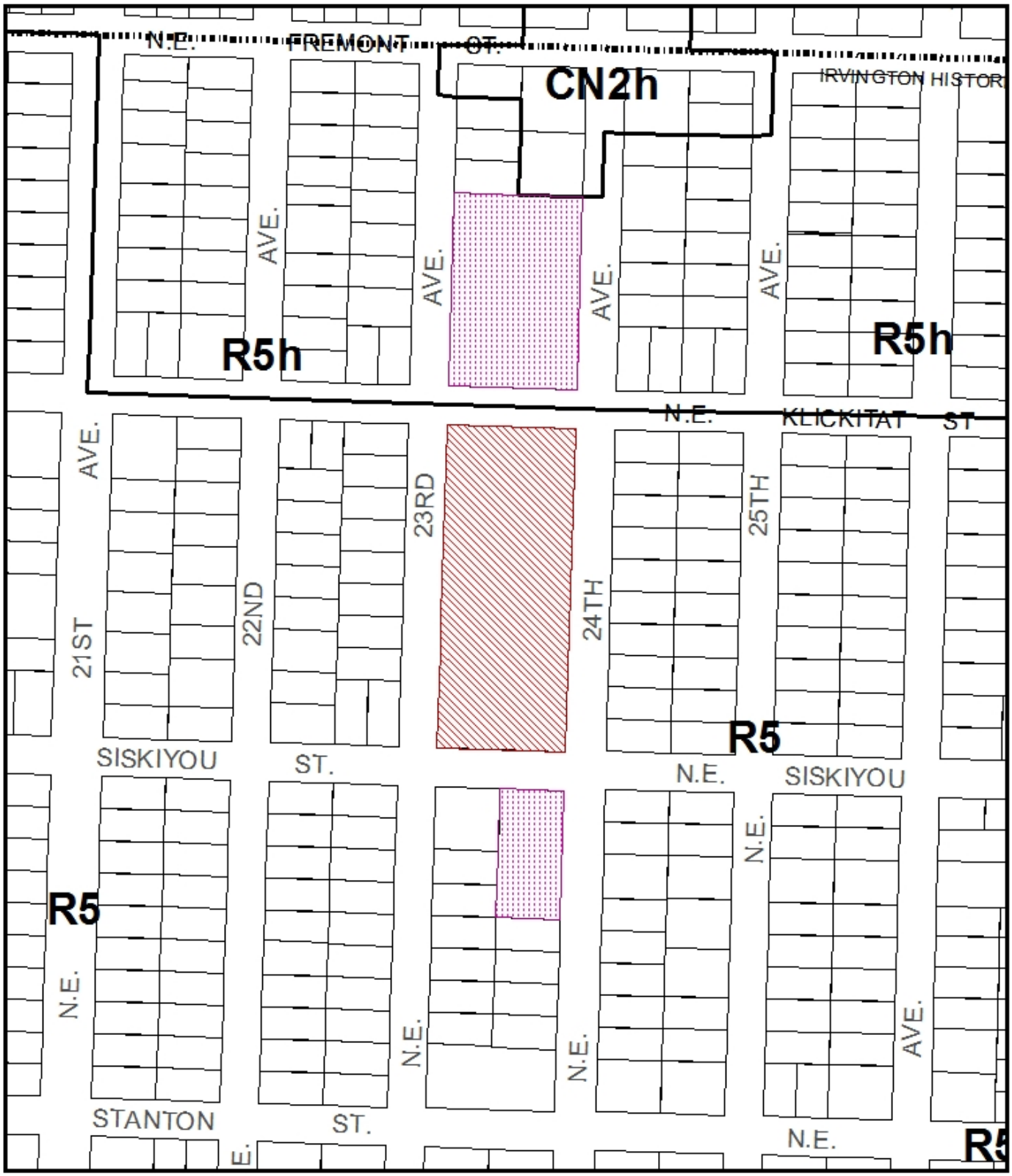
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
   1. Electrical Contractor' Bid
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. Fixture & Building Photos
   3. Visor & Nighttime Photo
   4. Visor Detail
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses:
   1. Water Bureau
F. Correspondence:
   1. Christine Hammock (property owner), April 18, 2012, concerns with the visual impacts from the lights, incompatible design with the building, necessity of lighting, among other items.
   2. Dean Gisvold (Irvington Neighborhood Association Land Use Committee Chair), April 19, 2012, concerns with the impact on the character of the Historic District.
G. Other:
   1. Original LU Application
   2. Site History Research
   3. 120-day Extension Requests (3 sheets)
   4. Incomplete Letter
   5. Staff Site Photos

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

Site

Also Owned

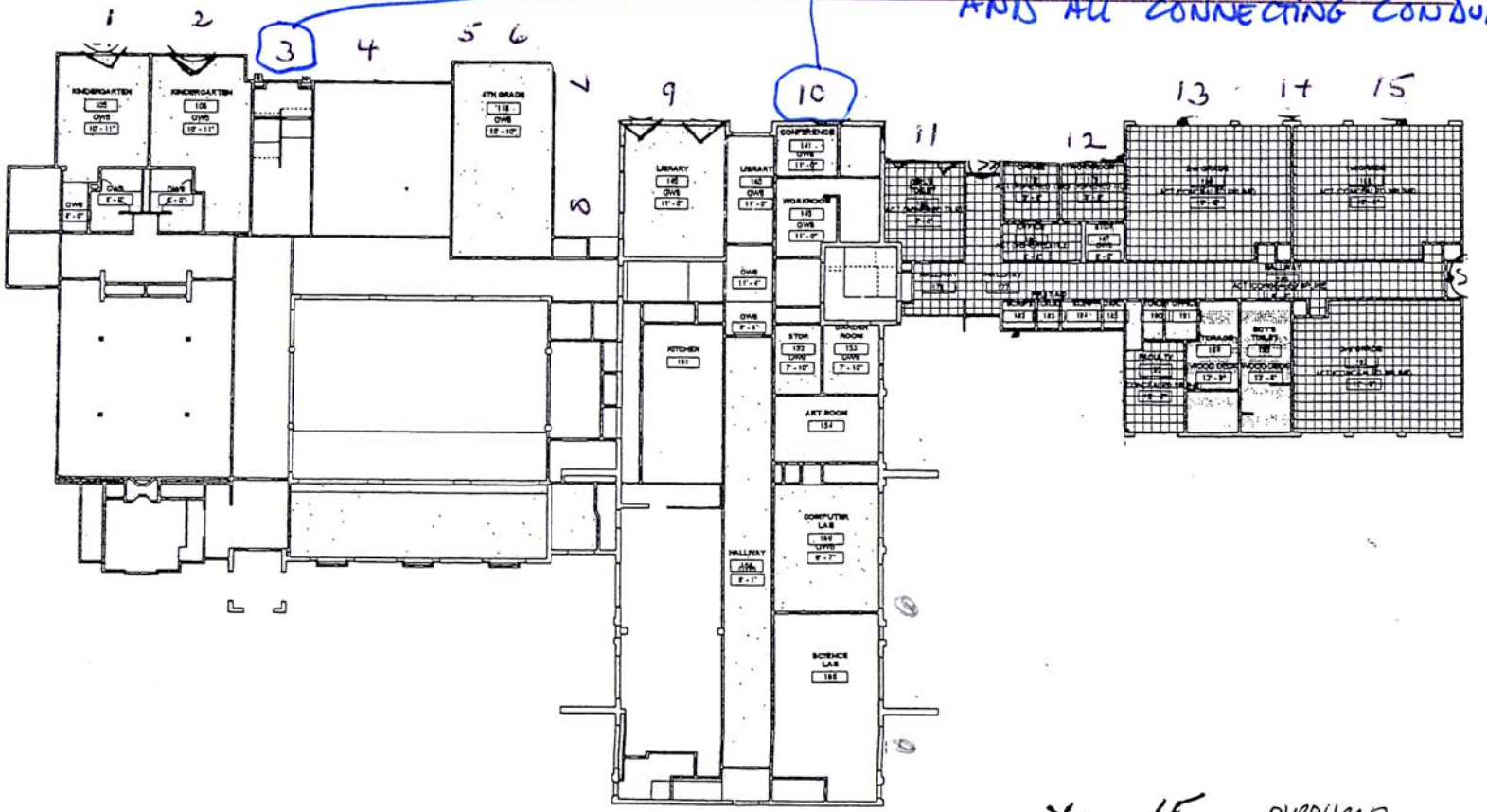
NORTH

This site lies within the:
IRVINGTON HISTORIC DISTICT

File No.	LU 12-117519 HDZ
1/4 Section	2732
Scale	1 inch = 200 feet
State_Id	1N1E26AA 15500
Exhibit	B (Mar 06,2012)

NE 23RD AVE

REMOVE BOTH FIXTURES #3 & #10 AND ALL CONNECTING CONDUIT.



X- 15 overhead lighting

NE 24th Ave

KLICKITAT STREET

Approved
City of Portland - Bureau of Development Services
Planner _____ Date 8/20/12.
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 12-117519 HDZ EX.C-1