



City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

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

www.portlandoregon.gov/bds

NOTICE OF FINAL FINDINGS, CONCLUSIONS, AND DECISION OF THE CITY OF PORTLAND DESIGN COMMISSION ON AN APPEALED ADMINISTRATIVE DECISION (Type II Process)

CASE FILE NUMBER: LU 15-101868 DZ – WINDOW REPLACEMENTS LOCATION: 1225 SW ALDER

The administrative decision of approval with conditions for this case, published on May 20, 2015, was appealed to the Design Commission by the applicant. At the appeal hearing on June 11, 2015, the denial of part of the decision was removed from the decision.

This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website

http://www.portlandonline.com/bds/index.cfm?c=46429. Click on the District Coalition then scroll to the relevant Neighborhood, and case number.

GENERAL INFORMATION

Representative: Scott Inman, Henderson & Daughter Windows

11819 A NE Hwy 99, Vancouver, WA 98686

Owner: Kachlik-Prince Of Wales LLC

911 SW Broadway Dr, Portland, OR 97201

Site Address: 1225 SW ALDER ST

Legal Description: BLOCK S 1/2 I E 1/2 OF LOT 5&6, PORTLAND

Tax Account No.: R667736950 **State ID No.:** 1N1E33DD 03200

Quarter Section: 3028

Neighborhood: Portland Downtown, contact Rani Boyle at 503-725-9979.

Business District: None

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212. **Plan District:** Central City Plan District, Downtown Subdistrict, West End Subarea

Zoning: RXd, Central Residential with Design overlay

Case Type: DZ, Design Review

Procedure: Type II, an administrative decision with appeal to the Design

Commission.

Proposal:

The applicant seeks Design Review approval to replace windows in an existing five-story residential building, located in the West End Subarea of the Downtown Subdistrict of the Central City Plan District. The exterior changes include the following:

• Street Elevation (South):

- o Second through fifth floors Replace existing various widths wood double-hung windows with new single-hung fiberglass windows of a similar profile;
- Side and Rear Elevations (East, West and North)
 - o Replace remaining existing 72" wide steel divided-lite window assemblies with new pairs of casement vinyl windows;
 - o Replace remaining existing 18" wide steel divided-lite casement windows and double hung windows with new single-hung vinyl windows.

Because the proposal is for a site with a design overlay zone and non-exempt exterior alterations are proposed, design review is required.

Relevant Approval Criteria:

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

■ Design Review, 33.825

■ Central City Fundamental Design Guidelines

ANALYSIS

Site and Vicinity: This five-story early twentieth century apartment building is located on a 5,000 square foot site fronting SW Alder Street. Site is located mid-block between SW 12th and SW 13th Avenues in the West End Subarea of the Downtown Subdistrict of the Central City Plan District. The building was built in 1926, and is named the Twelve 25 Alder Apartments. Four stories of apartments reside above ground floor retail. The front (street) façade of the building has a terracotta and masonry base, with brick on the upper floors. The sides and rear are stucco faced.

The site is surrounded by a surface parking lot and low-scaled one- to three-story buildings. Directly west/north west of the property is a 16 space surface parking lot and the Julia West House, a three-story structure originally built in 1895. Directly east/southeast of the property is a one-story retail brick structure originally built in 1898. Also directly east of the rear of the property is another one-story retail structure built in1940. Directly north of the property is a 1950's one-story parking garage with rooftop parking. The vicinity consists of a mix of commercial, institutional and residential uses within a large RX zoned area.

The site sits within the Downtown Pedestrian District. SW Alder Street is classified as City Walkway and a Local Service Bikeway. The site is within close walking distance of the Portland Streetcar and two blocks from the Pearl District.

Zoning: The <u>Central Residential</u> (RX) zone 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 be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment

opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review. In addition, design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

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

- <u>LU-88-004617-DZ</u> (DZ 29-88) Design Review approval for a wall mural.
- <u>LU 85-004446-DZ</u> (DZ 17-85) Design Review approval for conversion from steam heat to a boiler.

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

• The Life Safety Section of BDS responded with the following comment: A separate building permit is required for the work proposed, and proposal must meet all applicable building codes and ordinances. Additionally, alterations to the building envelope shall meet the prescriptive requirements Energy Code. Please see Exhibit E-1 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 19, 2015. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines focus on four general categories. (A) Portland Personality, addresses design issues and elements that reinforce and enhance Portland's character. (B) Pedestrian Emphasis, addresses design issues and elements that contribute to

a successful pedestrian environment. **(C) Project Design,** addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas,** provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within all of the Central City policy areas. The nine goals for design review within the Central City are as follows:

- 1. Encourage urban design excellence in the Central City;
- 2. Integrate urban design and preservation of our heritage into the development process;
- **3.** Enhance the character of the Central City's districts;
- 4. Promote the development of diversity and areas of special character within the Central City;
- **5.** Establish an urban design relationship between the Central City's districts and the Central City as a whole;
- **6.** Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
- **7.** Provide for the humanization of the Central City through promotion of the arts;
- 8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;
- **9.** Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

- **A4.** Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.
- **A5. Enhance, Embellish, and Identify Areas.** Enhance an area by reflecting the local character within the right-of-way. Embellish an area by integrating elements in new development that build on the area's character. Identify an area's special features or qualities by integrating them into new development.
- **C3. Respect Architectural Integrity.** Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.
- **C4.** Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings for A4, A5, C3 and C4: The early twentieth-century style of architecture of this terracotta, brick and stucco apartment building contributes to the diverse local character of this area. The fiberglass replacement windows proposed to the south facade incorporate unifying design elements appropriate for this era of building. The new fiberglass windows closely match the original wood windows in size, style, profile and proportion. Windows will be set behind existing wood brick moldings and existing wood sills will remain. These new windows will help maintain the historic architectural integrity of the building, and also reflect the character of other older apartment buildings in the surrounding neighborhood by maintain the historic style and proportion of windows.

At the appeal hearing, the Design Commission felt that with the revision to the design of the proposed casement windows to the larger apertures on the east, west and north elevations of adding high quality simulated divided lites with a minimum of six lites per pane, this part of the proposal will reflect the divided lites in the replaced steel assemblies. (Refer to Condition F) Additionally, as noted in staff's original conditions of approval, clear glass is required to all street facing windows to ensure the windows are an enhancement of the area. (Refer to Condition D) With these conditions, the proposal incorporates unifying design elements, respects the context of existing buildings, and maintains the architectural integrity of this building on the very visible sides and rear of the building.

These guidelines are therefore met.

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings for A6: The existing building continues to be used. The proposed single-hung fiberglass windows proposed to the south facade maintain the older apartment building's historic character and allow for continued reuse of this 89-year-old building. The new street (south) elevation windows will be set behind existing wood brick moldings, and existing wood sills will remain.

At the appeal hearing, the Design Commission felt that with the revision of adding high quality simulated divided lites to the design of proposed casement windows to the larger apertures on the east, west and north elevations, this part of the proposal will also maintain the older apartment building's historic character and allow for continued reuse of this building. The new windows to the sides and rear (east, west and north) elevations will be set within the existing openings and maintain existing stucco finishes and sills. The existing steel window assemblies are installed in z-bar element which is set behind the stucco finish. This proposal keeps the z-bar in place, and the new vinyl frame sits within it, to maintain the existing stucco finishes. This guideline is therefore met.

- **C2. Promote Quality and Permanence in Development.** Use design principles and building materials that promote quality and permanence.
- **C5. Design for Coherency.** Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings for C2 and C5:

• On the south (street) elevation on second through fifth floors, the existing wood double-hung windows will be replaced with windows that match the current design but are fiberglass instead of wood. The replacement windows will be located within existing openings and maintain existing brick moldings and sills. Marvin's Integrity All Ultrex, Single Hung windows in white are proposed. The new windows will have similar sight lines and be located in the same plan relative to the face of the building as the existing windows to maintain existing shadow lines. The proposed fiberglass windows employ a traditional style that blends well with the existing building details and decoration common to the building and other older properties in the West End Subarea of the Downtown Subdistrict of the Central City Plan District.

The proposed upper floor south elevation fiberglass window replacements utilize a consistent vocabulary of elements, maintain existing building fabric of wood moldings and sills, and give consideration to the building's history and design, thereby achieving a coherent composition. The new fiberglass material is a long-lasting element and maintains the high-quality and permanent characteristics that enhance the building's architectural integrity.

• On the east, west and north elevations on the first through fifth floors, the existing 72" steel window assemblies windows will be replaced with a pair of vinyl casements and the existing 18" steel casement windows will be replaced with vinyl single-hung windows. The replacement windows will be located within existing openings and maintain existing stucco sills. The new window frames will be set inside the exiting steel frames. Milgard "Tuscany" factory painted windows in tan are proposed.

At the appeal hearing, the Design Commission felt that due to the constraints of the installation into the existing openings on this particular building, and the opportunity to maintain existing stucco finishes and sills with this proposal, the proposed vinyl windows with the tan colored factory painted finish and the proposed installation method are of sufficient quality for replacement windows to the side and rear of a smaller building in the West End Subarea of the Downtown Subdistrict of the Central City Plan District.

The applicant stated that they do not intend to replace existing previously non-approved vinyl window replacements. However, in order to maintain quality and a uniform appearance across all elevations, as a condition of this approval, (refer to Condition B) existing non-approved vinyl windows are required to be replaced with the same proposed new window types for that elevation.

With the condition of approval that existing non-approved vinyl windows be replaced with the new proposed windows on all elevations, these guidelines are therefore met.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal for fiberglass single-hung windows on the street (south) elevation, second through fifth floors, maintains existing brick moldings and sills, and the new windows have similar sightlines and maintain existing shadow lines.

At the appeal hearing, the Design Commission felt that with the revision to the design to add simulated divided lites to the casements, the proposal for Milgard "Tuscany" vinyl windows with factory painted finish to the sides and rear (east, west and north) elevations will preserve the existing stucco cladding and sills, are sufficiently long-lasting elements, and will maintain the high-quality and permanent characteristics required to enhance the building's architectural integrity.

The proposal employs high-quality materials and employs a traditional style that blends well with the early twentieth century architecture of the building and meets the applicable design guidelines, therefore it warrants approval.

DESIGN COMMISSION DECISION

Design review approval to replace windows in an existing five-story residential building located in the West End Subarea of the Downtown Subdistrict of the Central City Plan District. The proposal includes new fiberglass window replacements to second through fifth floors of the south façade, and new vinyl window replacements to the first through fifth floors of the east, west and north facades.

Approval per the approved plans and drawings, Exhibits C.1 through C.16, signed and dated July 6, 2015, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through F) 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 15-101868 DZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED.";
- B. As part of this work, all previously replaced non-approved windows to be replaced with the same window types proposed for that elevation;
- C. Phased replacement is approved without further review, provided a complete elevation is replaced at one time;
- D. All street facing windows will be clear glass only. No opaque glass is allowed on street frontage;
- E. Proposed casement windows to the larger apertures on the east, west and north elevations must include high quality simulated divided lites with a minimum of six lites per pane;
- F. No field changes allowed.

Staff Planner: Grace Jeffreys

First Hearing Date: June 11, 2015

Findings and conclusions by the Design Commission on: June 11, 2015

Guenevere Millius, Design Commission Chair

Date Final Decision Effective: June 11, 2015

120th day date: July 10, 2015 Decision Mailed: July 9, 2015

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

Procedural Information. The application for this land use review was submitted on January 7, 2015, and was determined to be complete on March 13, 2015.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on January 7, 2015.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days expire on: July 10, 2015.**

Some of the information contained in this report was provided by the applicant.

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

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

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

Appealing this decision. This decision is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a "Notice of Intent to Appeal" with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.0 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to respond to the issue. For further information, contact LUBA at the Public Utility Commission Building, 775 Summer St NE, Suite 330, Salem, OR 97301-1283 [Telephone: (503)373-1265]

Recording the final decision.

The final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **July 9, 2015.**

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 must be obtained before carrying out this 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. Applicants original submittal, dated 1/7/15
- 2. Submittal via email 1/9/15
- 3. Submittal via meeting 2/10/15
- 4. Submittal via email 3/6/15
- 5. Submittal via email 3/10/15
- 6. Submittal via email 4/7/15
- 7. Submittal via email 4/22/15

B. Zoning Map (attached)

C. Plans/Drawings:

- 1. Site Plan (attached)
- 2. South Elevation (attached)
- 3. West Elevation (attached)
- 4. East Elevation (attached)
- 5. North Elevation (attached)
- 6. Existing double-hung wood windows, head/sill detail
- 7. Existing double-hung wood windows, jamb detail
- 8. Proposed single-hung fiberglass windows, head/ sill detail
- 9. Proposed single-hung fiberglass windows, frame details
- 10. Existing steel window assemblies, jamb details
- 11. Proposed vinyl casement windows, head/sill details
- 12. Proposed vinyl casement windows, details
- 13. Proposed vinyl casement windows, details
- 14. Existing casement steel windows, head/ sill details
- 15. Proposed vinyl single-hung windows, head/sill details
- 16. Proposed vinyl single-hung windows, details

D. Notification information:

- 1. Mailing list
- 2. Mailed notice

E. Agency Responses:

1. Site Development Review Section of BDS

F. Correspondence: None

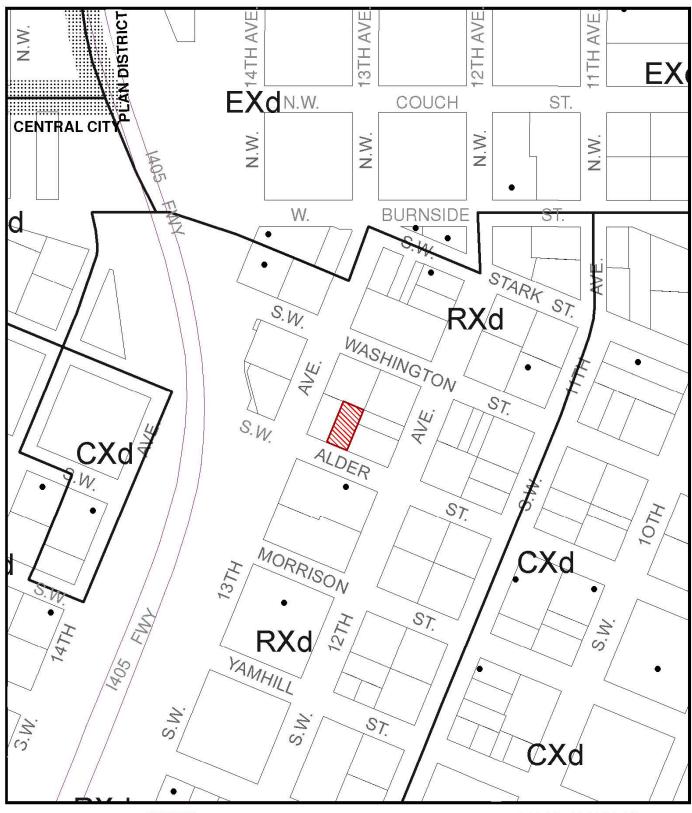
G. Other:

- 1. Original LU Application
- 2. Incomplete letter
- 3. Email chain 4/7/15
- 4. Original drawing elevation excerpts from microfiche
- 5. Photos
- 6. Comparison of durability of fiberglass vs. vinyl

H. Hearing Exhibits

- 1. Applicants Appeal Statement and Narrative
- 2. Decision/ Appeal Mailing list
- 3. Mailed Decision/ Appeal Notice
- 4. Applicants submittal additional information, 5/29/2105
- 5. Staff Memo to the Design Commission, 6/5/2015
- 6. Staff Presentation (PowerPoint Slides)
- 7. Hearing testimony yellow sheet

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



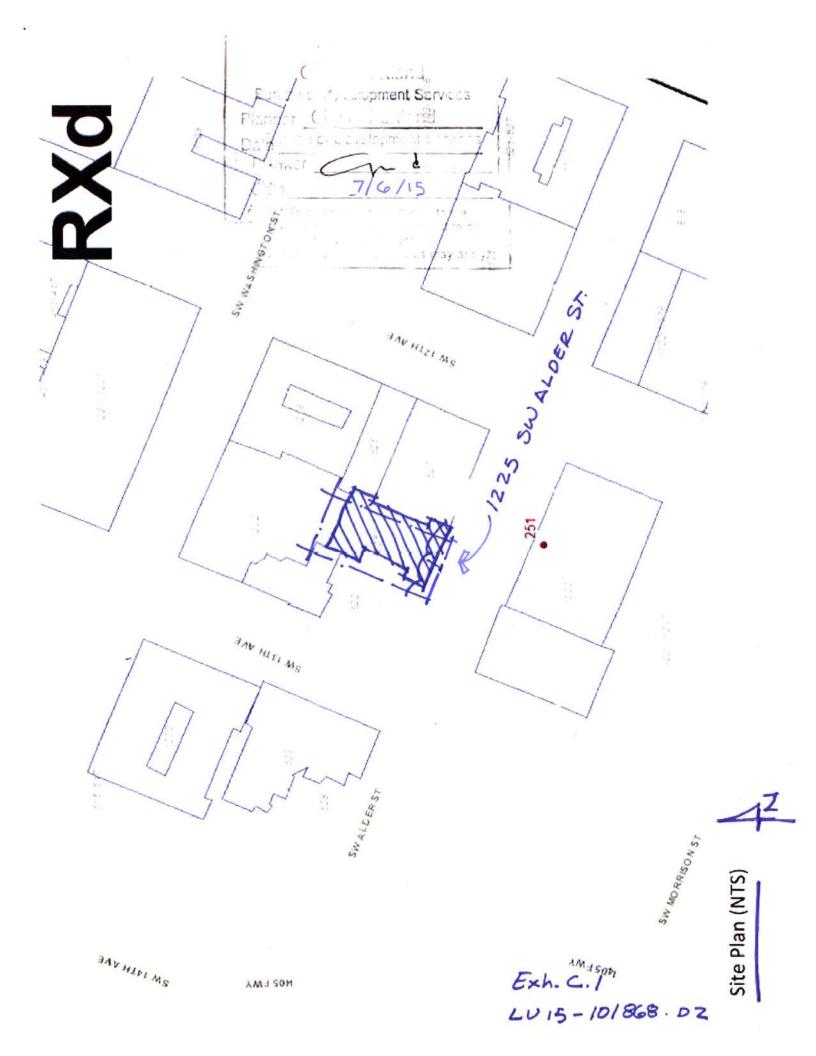


Historic Landmark

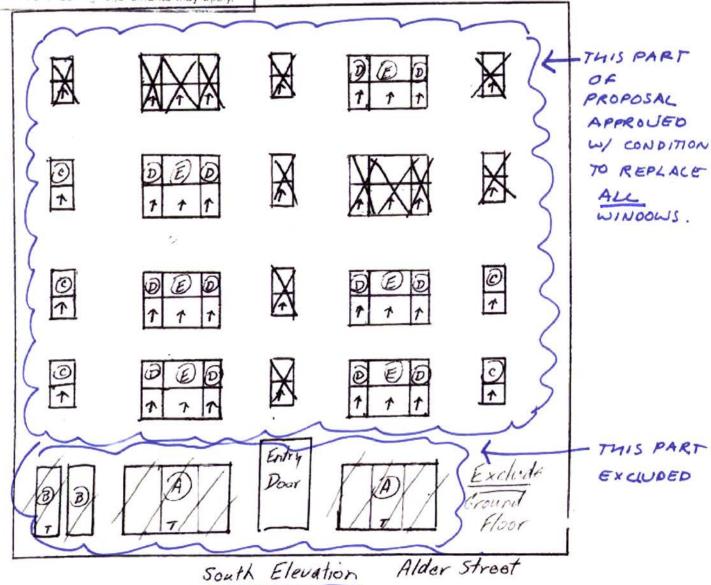


This site lies within the: **CENTRAL CITY PLAN DISTRICT** DOWNTOWN SUBDISTRICT **WEST END SUBAREA**

LU 15-101868 DZ File No. 3028 1/4 Section 1 inch = 200 feet Scale 1N1E33DD 3200 State Id В (Jan 08,2015) Exhibit,







X = Previously Replaced.

A) - 164×68 tixed Temp. equal light

B. 24×68 Fixed Temp

C- 28×48 SH.

D- 24×58 SH.

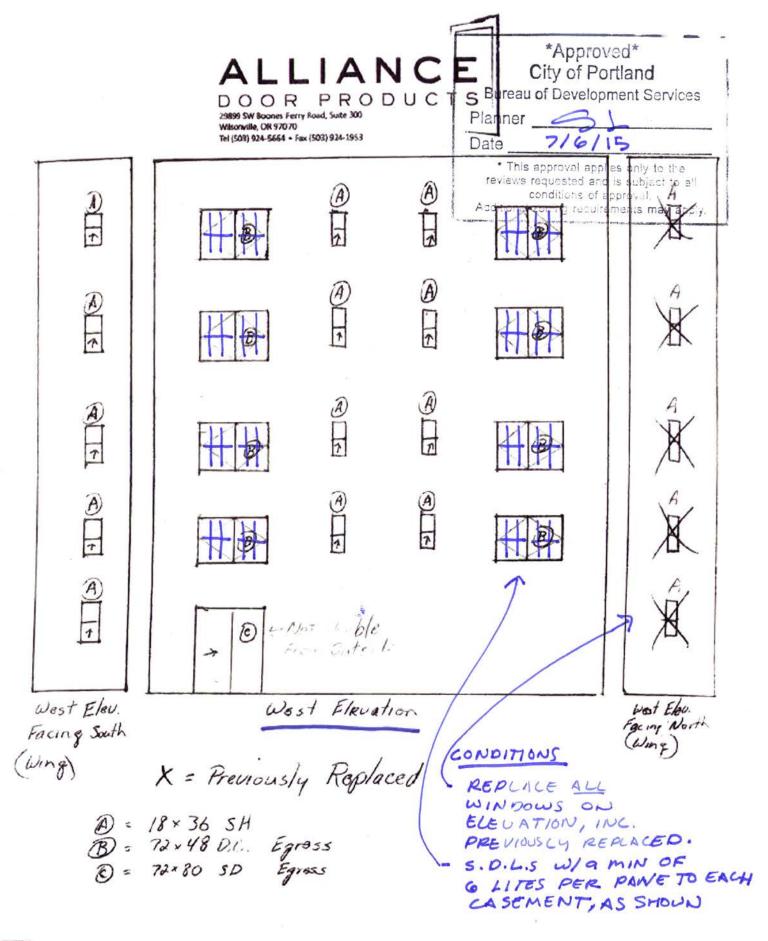
D- 24×58 SH.

44×58 SH Egress

EXH. C. Z

D Lynden Door

LU 15-101868 . 02



Simpson[®]
Door Company

LD Lynden Door

THERMA TRU

- REPLACE ALL WINDOWSON GLEUATION, INCL. PREVIOUSLY REPLACED.

- S.D.L.'S WITH A MIN. OF G LITES PER PANE, TO EACH CASEMENT AS 540UN.

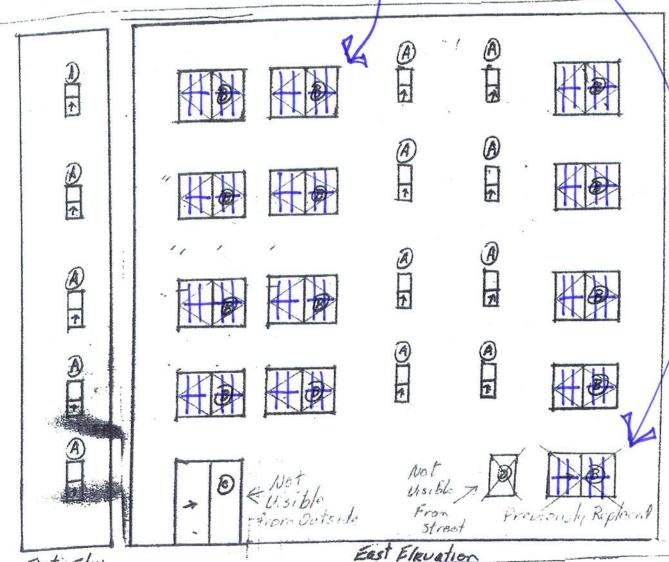
Approved City of Portland

Bureau of Development Services

Planner ___ Date

* This approval applies only to the reviews requested and is subject to all conditions of approval.

Additional zoning requirements may apply.



East Elev. Facing North (Wing)

B = 18 × 36 SH B = 72 × 48 D.C. Egross E = 72 × 80 SD. Egross

EXH. C. 4

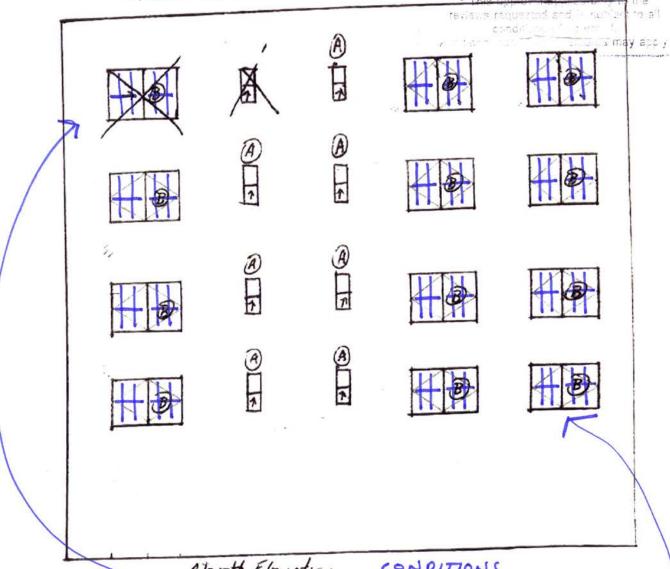
LU 15-101868 DZ

ALLIANCE DOOR PRODUCTS

Wilsonville, OR 97070 Tel (503) 924-5564 • Fax (503) 924-1953

Approved City of Portland Bureau of Development Services

Planner 2 Date



North Elevation

CONDITIONS

X = Previously Replaced

REPLACE ALL WINDOWS ON ELEUATION, INCL. PREVIOUSLY REPLACED ONES.

B = 18 × 36 5H
B = 72 × 48 DC Egross

- TO EACH CASEMENT PANE, DOD S. D. L'S W/ A MIN. OF 6 LITES PER PANE.

EXH. C5

Simpson

) Lynden Door

LU15-101868 DZ