IN THE CITY COUNCIL OF THE
CITY OF
PORTLAND OREGON

IN THE MATTER OF AN APPLICATION
BY
Mark Edlen, Gerding-Edlen
1477 NW Everett St
Portland, OR 97209

Mark P O'Donnell, Owner
8680 SW Bohmann Pkwy
Portland, OR 97223

Robert Mawson, Consultant
Heritage Consulting Group
1120 NW Northrup St
Portland, OR 97209

Dave Otte, Architect
Holst Architecture
110 SE 8th
Portland, OR 97214

FOR A

Type IV Demolition Review at 1727 NW Hoyt **LU 14-210073 DM**

FINDINGS AND CONCLUSIONS

ADOPTED BY THE CITY COUNCIL ON
January 7, 2015

(DENIAL** of a **TYPE IV DEMOLITION REVIEW**)**

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IN THE MATTER OF AN APPLICATION
BY MARK EDLEN, GERDING-EDLEN, FOR A
Type IV EMOLITION REVIEW at 1727 NW HOYT **LU 14-210073 DM**

FINDINGS AND CONCLUSIONS

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

I. GENERAL INFORMATION

Applicant:	Mark Edlen, Applicant Gerding-Edlen 1477 NW Everett St Portland, OR 97209	503-299-6000
	Mark P O'Donnell, Owner 8680 SW Bohmann Pkwy Portland, OR 97223	
	Robert Mawson, Consultant Heritage Consulting Group 1120 NW Northrup St Portland, OR 97209	503-228-0272
	Dave Otte, Architect Holst Architecture 110 SE 8th Portland, OR 97214	503-233-9856
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 Mike Conklin at 503-226-6126.	
District Coalition:	Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.	
Plan District:	Northwest	

Other Designations: Contributing resource in the Alphabet Historic District, listed in the National Register of Historic Places on November 16, 2000.

Zoning: RH – High Density Residential

Case Type: DM – Demolition Review
Procedure: Type IV, following a public meeting before the Historic Landmarks Commission there will be a hearing before City Council. The Historic Landmarks Commission may offer comments or suggestions, in the form of a letter or testimony, to City Council. City Council makes the final decision on this matter.

II. INTRODUCTION AND PROCEDURAL HISTORY

Original Proposal: The applicant requests Demolition Review approval for the demolition of the Buck-Prager Building, a contributing resource in the Alphabet Historic District, built in 1918. The building was originally commissioned by Ballou & Wright, designed by Camp & DuPuy, and occupied by the Women's Hospital of Portland, a maternity hospital, managed by Mrs. A.B.Y. Spaulding.

Demolition of the building is intended to allow for the construction of a 6-story apartment building with below-grade parking on the west half of the block. A one-story non-contributing resource and two 1/8-block surface parking lots, not subject to Demolition Review, would also be removed.

Because the proposal is to demolish a Contributing Resource in the National Register Alphabet Historic District, a Type IV Demolition Review is required.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The applicable approval criteria are:

- 33.846 Historic Resource Review
- 33.846.080 Demolition Review
- City of Portland Comprehensive Plan
- Northwest District Plan
- Alphabet Historic District National Register Nomination

III. ANALYSIS

Site and Vicinity: The subject property is a quarter-block located at the northeast corner of NW 18th Avenue and NW Hoyt Street. The south half of the property has a surface parking lot lined with trees on the south end. The north half of the property contains the subject building proposed for demolition. In 1913, Ballou & Wright purchased a 50 x 100 foot lot on the east side of 18th 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 60th 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 City's Transportation Plan identifies NW 18th Avenue as a Transit Access Street and a City Bikeway. The property is located within the Northwest Pedestrian District. Buildings in the immediate vicinity include a number of 2½-story Landmark dwellings constructed in the late 1800s, other 2½-story contributing and noncontributing dwellings, 1-story concrete structures. One or more blocks to the south, west, and northwest are apartment buildings ranging from 3-story Landmark structures to a 6-story EX-zoned contemporary structure. 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 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 17th Avenue to the East, NW Marshall Street to the North and NW 24th Avenue to the West. The district is predominantly residential in character but also has two main commercial corridors along NW 21st and NW 23rd 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 that prior land use reviews include the following:

- CU 015-63 – Conditional Use approval to allow parking in the front yards of the Arts and Crafts Society;
- 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 local residents;
- CU 053-80 – Conditional Use approval to increase the number of attorneys on site from 18 to 25;
- ZC 4684 – Area-wide zone change for a large area of Northwest Portland; and
- EA 14-156795 PC – Pre-Application Conference for the current demolition proposal and future Type III historic resource review for a 6-story residential building.

Agency and Neighborhood Review:

1. Agency Review: A "Request for Response" was mailed **October 10, 2014**. The following Bureaus have responded with no issues or concerns:

- Site Development Section of BDS
- Life Safety Division of BDS
- Water Bureau
- Fire Bureau
- Bureau of Environmental Services

2. Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 27, 2014. At the time of the draft staff report and recommendation, dated November 7, 2014, a total of five written responses were received from either the Neighborhood Association or notified property owners in response to the proposal. Prior to the Historic Landmarks Commission meeting on November 17th, twelve additional letters were received. The Historic Landmarks Commission heard and received nineteen items of testimony at the November 17th meeting. Following that meeting, and prior to the December 10, 2014 City Council hearing, twenty-four letters were received. At the December 10th hearing, thirty-two people presented oral, written, and visual testimony. Twelve pieces of written testimony were received after the December 10th City Council hearing, including the applicant's rebuttal. One person was allowed to present

testimony at the continued hearing on December 18th. These are enumerated and summarized below.

Received prior to November 7, 2014 draft staff report:

1. Gustavo Cruz and John Bradley, Northwest District Association, on November 3, 2014, submitted a letter of **opposition** dated July 22, 2014, requesting that City Council protect the contributing resource proposed for demolition and vote against the proposal. The Association noted that "demolishing historic commercial resources in favor of more large-scale luxury apartment buildings proliferating throughout the City sets a dangerous precedent and compromises our neighborhood's character and the rich diversity of historic buildings within it." The association also noted that City Council has approved Type IV demolition of a contributing resource in a historic district only once before – to provide valuable public services for the needy, a factor not present here." The letter included a position statement, signed by 50 neighbors in the Northwest District, the majority in the immediate vicinity of the proposed demolition, who also opposed the proposal, echoing the concerns raised by the Association. Please see Exhibit F-1 for additional details.
2. Mary Ann Pastene, on November 2, 2014, wrote in **support** of the demolition but requesting consideration of the existing nine trees, whose removal she does not support. Ms. Pastene noted that the property is currently underutilized and an appropriately-scaled replacement building would improve the character, adding that removal of the trees would diminish the character of the area. Ms. Pastene also questioned the Northwest District Association's decision –making process. Please see Exhibit F-2 for additional details.
3. Alexander James Pastene, on November 2, 2014, wrote in **support** of demolition of the historic building, which he considers an unattractive and unsafe nuisance, noting that the proposed replacement building includes underground parking which will not be possible with retention of the existing building, and adding that he believed the building would fit in with the existing neighborhood and the RH zoning. Please see Exhibit F-3 for additional details.
4. Michael Wallace, on November 5, 2014, wrote in **opposition** to the proposal, stating that granting of such would ease the path to the destruction of other historic resources and sets a precedent with harmful consequences for historic preservation efforts all over Portland, and noting concerns with the compatibility of the proposed development relative to the surrounding homes. Please see Exhibit F-4 for additional details.
5. Steve Connolly, on November 4, 2014, wrote with **concerns** that the proposed development would block views of downtown to his building and concerns with increased density. Please see Exhibit F-5 for additional details.

Received prior to November 17, 2014 Historic Landmarks Commission meeting:

6. Terra Wheeler, on November 6, 2014, wrote in **opposition**, noting development pressures and a lack of advocacy at the level of city leadership, and noting that demolition is not compatible with the City's focus on sustainable development. Please see Exhibit H-3 for additional details.
7. Teresa McGrath and Nat Kim, on November 6, 2014, wrote in **opposition**, noting there is a lot of history associated with the building and demolition would carve away the livability and beauty of the neighborhood. Please see Exhibit H-4 for additional details.
8. Steve Connolly, on November 10, 2014, wrote in **opposition**, noting the proposed building would be anathema to the meaning of a historic neighborhood, and suggested that if demolition is approved, then the proposed building should be no more than 3 stories. Please see Exhibit H-5 for additional details.
9. Jim Heuer, on November 10, 2014, wrote in **opposition**, noting that demolition of this historic resource is not necessary in order to meet the city's housing

goals, as there are numerous vacant parcels and surface parking that can accommodate such use at the desired densities. Please see Exhibit H-6 for additional details.

10. Brad Larrabee, on November 6, 2014, wrote in **opposition**, noting the existing building fits in with the scale and history of the neighborhood, and the proposed building does not, requesting that we stop allowing and encouraging the over development and destruction of our city. Please see Exhibit H-7 for additional details.
11. Dan Volkmer, on November 9, 2014, wrote in **opposition**, stating that the Alphabet Historic District cannot afford to lose a single contributing resource, adding that the property has significant historic associations related to development of the neighborhood, associations with significant persons, and architectural merit. Please see Exhibit H-8 for additional details.
12. Vicki Skryha and Allen Buller, on November 12, 2014, wrote in **opposition**, noting the rich history of the historic building, the lack of merit in its demolition, the adverse effect demolition and construction of the proposed building would have on the neighborhood, the merits of preserving the existing building, and the lack of mitigation proposed. Please see Exhibit H-9 for additional details.
13. Alan Costly, on November 6, 2014, wrote in **support** of demolition, noting a lack of historic significance, beauty, or economic benefit in the existing building, adding that the proposed building is too unformed to endorse. Please see Exhibit H-10 for additional details.
14. Jill Warren, on November 11, 2014, wrote in **opposition**, noting that tearing down historic buildings for profit sends a message to developers that it is open season for developers to purchase historic properties and exploit them. Please see Exhibit H-11 for additional details.
15. Carrie Richter, representing NWDA and Jessica Richman, on November 14, 2104, wrote in **opposition**, noting the significance and integrity of the existing building and the errors in the applicant's assertion that the building lacks significance or integrity. Please see Exhibit H-12 for additional details.
16. Wendy Chung, on November 15, 2014, wrote in **opposition**, noting the demolition hinders Comprehensive Plan goals and the proposed development would have a negative impact on the area's desired character, as well as questioning some of the claims made by the applicant in the application. Please see Exhibit H-13 for additional details.
17. Byron Caloz, on November 17, 2014, wrote in **opposition**, noting the scale of the existing building, as well as the financial pressures facing the owner, and encouraging the public to do all it can to assist the owner in preserving the existing building. Please see Exhibit H-14 for additional details.

Received at the Historic Landmarks Commission meeting on November 17, 2014:

18. Sarah Hobbs, presented oral testimony in **opposition**.
19. Dan Volkmer, presented oral testimony in **opposition**.
20. Jill Warren, presented oral testimony in **opposition**.
21. Tanya March, presented oral testimony in **opposition**.
22. Allen Buller presented oral and written testimony (same as Exhibit H-9) in **opposition**. Please see Exhibit H-19 for additional details.
23. Vicki Skryha, presented oral and written testimony (see Exhibit H-19) in **opposition**.
24. Daniel Kearns, presented oral testimony in **opposition**.
25. Kathleen Sharp, did not present oral testimony, but noted her **opposition**.
26. Rich Ovenburg, presented oral testimony in **opposition**.
27. Tony Schwartz, presented oral testimony in **opposition**.
28. Richard U'Ren, presented oral and written testimony in **opposition**, noting demolition would set a bad precedent for the Alphabet Historic District and other neighborhoods, adding that it has been neglected by the owners for the

last six years, and the proposed building would significantly compromise the character of the historic neighborhood. Please see Exhibit H-25 for additional details.

29. Dragana Milosevic, did not present oral testimony, but noted her **opposition**.
30. Annette Jolin, presented oral and written testimony in **opposition**, noting that demolition of the existing building deprives the historic district of an irreplaceable building in favor of a money-making project that masks its intent under the guise of community improvement. Please see Exhibit H-27 for additional details.
31. Page Stockwell, presented oral and written testimony, in **opposition**, encouraging City Hall to deny the proposal, noting that approval of its demolition would amount to a betrayal of civic duty and would be noted locally and nationally. Please see Exhibit H-28 for additional details.
32. John Czarnecki, presented oral testimony in **opposition**.
33. Wendy Chung, presented oral testimony in **opposition** as well as a drawing showing what the building could look like it were it rehabilitated. Please see Exhibit H-30 for additional details.
34. Siri A. Shetty and Brad Hockhalter, did not present oral testimony but noted their **opposition**, noting that demolition means the resource is gone forever and the proposed building would make the neighborhood less livable. Please see Exhibit H-31 for additional details.
35. Wendy Rahm, did not present oral testimony, but noted her **opposition**, stating this would set a precedent, it is an irreplaceable piece of women's history, and it would compromise the historic district. Please see Exhibit H-32 for additional details.
36. Sara Long, presented oral testimony in **opposition**.

Received after the November 17, 2014 Historic Landmarks Commission meeting:

37. Carol McCarthy, Chair of the Multnomah Neighborhood Association, on November 17, 2014, wrote that the Association is in **opposition** to the proposed demolition, noting its value as a historic resource and its contribution to the historic character of the neighborhood, adding that the proposed building is not in keeping with the character of the neighborhood. Please see Exhibit H-34 for additional details.
38. Janet Kuh-Urbach, on November 18, 2014, wrote in **opposition**, noting that once a building is destroyed it is final and that it should only be considered with a very compelling argument, and suggested we invest in affordable housing and a competitive school system rather than destroying our heritage. Please see Exhibit H-35 for additional details.
39. Fred Nussbaum, on November 18, 2014 wrote in **opposition**, noting the historic and architectural significance of the existing building, and that providing space for an ordinary new apartment building is not a compelling reason to demolish a historic building. Please see Exhibit H-36 for additional details.
40. Ken Love, South Portland Neighborhood Association, on November 7, 2014, wrote that the Neighborhood Association is in **opposition** to the proposed demolition, noting the proposed replacement apartment building that is out of scale and character is not an adequate reason to harm the character of the existing neighborhood, adding that the approval criteria are not met and approving the demolition would set a precedent with likely harmful consequences for historic preservation efforts all over Portland. Please see Exhibit H-37 for additional details.
41. Shinann Earnshaw, on November 19, 2014, wrote in **opposition**, noting the proposed building should not be demolished for another ugly box of an apartment building. Please see Exhibit H-38 for additional details.
42. Brian Emerick and Jessica Engeman, Chair and Vice Chair of the Portland Historic Landmarks Commission, on November 21, 2014, wrote in **opposition** to

the proposal, noting the significance of the building on its own merits and relationship to the historic district, stating that reuse better meets the Comprehensive Plan goals, and concern that approval of the demolition would set a precedent that sends the message that our contributing buildings are not valued. Please see Exhibit H-39 for additional details.

43. Jan Kuhl-Urbach, on November 25, 2014, wrote in **opposition** to the demolition of historic buildings for the purpose of building housing for projected population growth, suggesting development of affordable housing and a competitive school system should be the priority. Ms. Kuhl-Urbach's letter did not specifically reference this case, but appeared to be in reference to this case more than any other active cases; as such, it is included in this record. Please see Exhibit H-40 for additional details.
44. Mary Ann Pastene, on November 20, 2014, wrote in **support** of demolition, noting that the existing unreinforced masonry building is unoccupied, unused, and attracts homeless, litter, and vandalism, adding that the not every building is worth preserving and development would allow for better utilization of the property. Please see H-41 for additional details.
45. Jim Heuer, on December 10, 2014, wrote in **opposition** to demolition, providing additional information on Camp & DuPuy, the architect/builder firm for the building. Please see Exhibit H-42 for additional details.
46. John Czarnecki, on December 10, 2014, wrote in **opposition** to demolition, noting that preservation supports comprehensive sustainability, including economic sustainability and that the public is well-served by preservation of the existing building. He also submitted "Measuring Economic Impacts of Historic Preservation, a November 2011 Report to the Advisory Council on Historic Preservation into the record. Please see Exhibit H-43 for additional details.
47. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on December 5, 2014, wrote in **opposition** and submitting a resolution, passed unanimously by the Irvington Community Association Board of Directors, stating that historic resource protection overlay zone trumps the base zone standards, that the strength of a historic district is the sum of its contributing resources, and that the approval of the application would put other historic districts at risk. Please see Exhibit H-44 for additional details.
48. Fred Nussbaum, on December 8, 2014, wrote in **opposition**, stating that providing space for an ordinary new apartment building is not a compelling reason to demolish a historic building. Please see Exhibit H-45 for additional details.
49. Gustavo J. Cruz Jr. and John Bradley, President and Land Use Chair of the Northwest District Association, on December 8, 2014, wrote in **opposition**, noting that the building could be easily restored, there is significant public opposition to demolition, and that demolition would send a message that the City prioritizes private gain over preservation of the City's historic resources, thereby rendering historic designations in the city as meaningless. The NWDA also submitted a rendering created by Don Genasci, showing what the building could look like and the results of an online petition to save the building which generated nearly 1,500 signatures. Please see Exhibit H-46 for additional details.
50. Ted Miller, on December 1, 2014, wrote in **support**, noting that additional residential units would enhance neighborhood safety and livability. Please see Exhibit H-47 for additional details.
51. Vicki Skryha, on December 2, 2014, wrote in **opposition**, noting the significance of the building and an abundance of market-rate apartments in the Northwest District. Please see Exhibit H-48 for additional details.

52. Allen Buller, on December 2, 2014, wrote in **opposition**, noting the history of the building and the lack of appropriate character is the proposed replacement building. Please see Exhibit H-49 for additional details.
53. Wendy Chung, on December 2, 2014, wrote in **opposition**, noting the number of residential units recently added in the Northwest District, adding that the city can reach its density goals without demolishing a 95-year old designated historic structure. Please see Exhibit H-50 for additional details.
54. Wendy Chung, on December 2, 2014, wrote in **opposition**, responding to the merits of demolition and preservation. Please see Exhibit H-51 for additional details.
55. Gordon Harris, on December 3, 2014, wrote in **support**, noting the challenges with rehabilitation and the benefit of replacing it with a new building with underground parking. Please see Exhibit H-52 for additional details.
56. Doug Macy, on December 5, 2014, wrote in **support**, stating that the building was tired and lacking distinction and that a new building with on-site parking would fulfill the goals of the Comprehensive Plan and Northwest District Plan. Please see Exhibit H-53 for additional details.
57. Al Solheim, on December 8, 2014, wrote in **support**, noting that the building contributes little character to the neighborhood and adding that his support for demolition is not necessarily support for the proposed building. Please see Exhibit H-54 for additional details.
58. Vince Paveskovich, on December 8, 2014, wrote in **support**, stating that the proposed development will help stabilize the community. Please see Exhibit H-55 for additional details.
59. Steven W. Abel, on December 9, 2014, wrote in **support**, stating that the existing building lacks integrity and an ability to convey its history and that the proposed development fulfills the development framework and zoning. Please see Exhibit H-56 for additional details.
60. William J. Cook, Associate General Counsel for the National Trust for Historic Preservation, on December 10, 2014, wrote in **opposition**, noting that any challenges to the existing building's continued recognition as a contributing property should be disregarded as a matter of law, as its designation has not been formally challenged to the State Historic Preservation Office. Please see Exhibit H-57 for additional details.

Received at the December 10, 2014 City Council hearing:

61. Jim Pastene, presented oral testimony in **support**.
62. Alan Costly, presented oral testimony in **support**.
63. Jim Sherman, representing Doug Macy, Gordon Harris, and Ted Miller presented oral testimony in **support**.
64. Jeff Stuhr, presented oral testimony in **support**, as well as maps showing the location of 4-6-story apartment buildings located adjacent to 1-3-story homes. Please see Exhibit I-5 for additional details.
65. D.J. Guild, presented oral testimony in **support**.
66. Jerry Johnson, presented oral testimony in **support**.
67. Dave Otte, presented oral testimony in **support**.
68. Lightning, presented oral testimony in **support**.
69. John Chandler, presented oral testimony in **support**.
70. Brian Emerick and Jessica Engeman, Portland Historic Landmarks Commission, presented oral testimony in **opposition**.
71. Daniel Kearns, representing NWDA and Jessica Richman, presented oral and written testimony in **opposition**, including the Findings and Conclusions for LU 09-171259 DM, the previous Type IV Demolition Review for the Dirty Duck Tavern. Please see Exhibit I-6 for additional details. A slide presentation was also shown and used by several testifiers; Please see Exhibit I-7 for additional details.

72. Tanya March, presented historic documentation regarding adoption of design guidelines for the Alphabet Historic District and oral testimony in **opposition**. Please see Exhibit I-8 for additional details.
73. Tony Schwartz, representing Don Genasci, presented oral and written testimony in **opposition**, and presented the rendering made by Don Genasci. Please see Exhibit I-9 for additional details.
74. Jessica Richman, presented oral testimony in opposition.
75. Gustavo Cruz, Northwest District Association, presented oral and written testimony in **opposition**. Please see Exhibit I-10 for additional details.
76. Wendy Chung, presented oral testimony in **opposition**.
77. Ron Walters, presented oral testimony in **opposition**.
78. Vicki Skryha, presented oral and written testimony in **opposition**. Please see Exhibit I-11 for additional details.
79. Page Stockwell, presented oral testimony in **opposition**.
80. Jozelle Johnson, presented oral testimony in **opposition**.
81. Jill Warren, presented oral testimony in **opposition**.
82. Karen Karlsson, presented oral testimony in **opposition**.
83. Juliet Hyams, presented oral testimony in **opposition**.
84. Wendy Rahm, presented oral and written testimony in **opposition**. Please see Exhibit I-12 for additional details.
85. Mary Czarnecki, representing John Czarnecki, presented oral and written testimony in **opposition**. Please see Exhibit I-13 for additional details.
86. Jim Heuer, presented oral and written testimony in **opposition**. Please see Exhibit I-14 for additional details.
87. Rich Ovenburg, presented oral testimony in **opposition**.
88. Brandon Spencer Hartle, representing Peggy Moretti of Restore Oregon, presented oral testimony in **opposition**.
89. Dan Volkmer, presented oral testimony in **opposition**.
90. Fred Leeson, presented oral testimony in **opposition**.
91. Allen Buller, presented oral testimony in **opposition**.
92. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, presented oral testimony in **opposition**.

Received after the December 10, 2014 City Council hearing:

93. Constance Kirk, on December 12, 2014, wrote in **opposition**, noting the number of people present at the December 10th hearing opposed to demolition is a powerful statement of the polity committed to preservation. Please see Exhibit I-15 for additional details.
94. Alice Duff, on December 12, 2014, wrote in **opposition**, noting that it is the National Register of Historic places, not the National register of Beautiful Places and objecting to the demolition of historic buildings to maximize private profit at the community's expense. Please see Exhibit I-16 for additional details.
95. Adam Liberman, on December 12, 2014, wrote in **opposition**, stating that it should not be up to developers with profit motives to decide what is worth saving and what isn't for the rest of the community. Please see Exhibit I-17 for additional details.
96. Lori Reilly, on December 12, 2014, wrote in **opposition**, stating that a city that allows pieces of its past to be bulldozed has no respect for its past or what it means to have character, and encouraged City Council to protect historic buildings from rampant development. Please see Exhibit I-18 for additional details.
97. Sharon Whitney, on December 12, 2014, wrote in **opposition**, urging City Council to consider the value to residents and visitors alike of our historic districts, stating that "great cities large and small don't cast away their patrimony". Please see Exhibit I-19 for additional details.

98. Dennis Harper, on December 12, 2014, wrote in **opposition**, stating that, as an architect, he can imagine an infill development linked by courtyards that includes a ¼-block building to the north, the existing building, and a smaller building on the southern parking lot, all sensitively designed to be compatible with the Queen Anne's on Hoyt and Irving. Please see Exhibit I-20 for additional details.
99. Rick Michaelson, on December 14, 2014, wrote in **opposition**, clarifying the difference between public benefit and mitigation, and stating that the proposal should have both public benefits and mitigation for the loss of the historic building in order to merit demolition. He also noted that historic resource review, as opposed to design review, focuses on aspects such as mass and scale in order to achieve compatibility with the historic district. Please see Exhibit I-21 for additional details.
100. Iain MacKenzie, on December 16, 2014, wrote in **support**, stating that the city needs more housing and that the shortage of housing is what keeps the housing costs high and noted that the Alphabet Historic District has many 5-story multi-family buildings and a replacement 4-6-story building would fit within this context. Please see Exhibit I-22 for additional details.
101. Daniel Kearns, representing NWDA and Jessica Richman, on December 16, 2014, wrote in **opposition**, stating that Type IV approval requires more than merely providing housing that the base zone allows, noting that the proposal for market rate housing with no guarantee of lower-income housing provides no public benefit. Please see Exhibit I-23 for additional details.
102. Christine Colasurdo, on December 16, 2014, wrote in **opposition**, stating that we need to keep what little is left of Portland's architectural legacy and encouraged City Council to show leadership and preserve Portland's architectural past. Please see Exhibit I-24 for additional details.
103. Carl and Rosa Marshall, on December 16, 2014, wrote in **opposition**, stating that demolishing a historic building for new construction is not a path we should set for historic buildings in the Northwest district. Please see Exhibit I-25 for additional details.
104. Ken Forcier, on December 17, 2014, wrote in **opposition**, encouraging City Council to find for the wants of the citizens. Please see Exhibit I-26 for additional details.

<u>Received at December 18, 2014 continued City Council hearing:</u>

105. Rick Michaelson, on December 18, 2014, presented oral testimony in **opposition** and submitted the "Conclusion" potion of the Council Findings, Conclusion and Decision for LU 09-171259 DM, the Dirty Duck case. Please see Exhibit I-27 for additional details.

Procedural History: The application was submitted on September 9, 2014 and deemed complete on October 6, 2014. On November 17, 2014, staff presented the application and staff's recommendation of denial to the Historic Landmarks Commission for advice. The applicant also presented to the Commission and several members of the public presented oral testimony. The Commission stated their agreement with the staff report and the public testimony and decided to draft a letter recommending denial of the application to the City Council. On December 10, 2014, the application was heard by City Council. Several members of the public again presented testimony. The hearing was continued to December 18, 2014. On December 18th, City Council took a tentative vote of 4-1 to deny application and continued the matter to January 7, 2015 for the adoption of findings and a final vote.

IV. ZONING CODE APPROVAL CRITERIA AND FINDINGS

Chapter 33.445, Historic Resource Protection Overlay Zone, and Chapter 33.846, Historic Reviews

33.445.030 Types of Historic Resource Designations and Map Symbols

C. Historic District. This type of resource is a collection of individual resources that is of historical or cultural significance at the local, state, or national level. Information supporting a specific district's designation is found in the City's Historic Resource Inventory, its National Register nomination, or the local evaluation done in support of the district's designation.

33.445.330 Demolition of Historic Resources in a Historic District

Demolition of other historic resources within a Historic District requires demolition review to ensure their historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

33.846.010 Purpose

This chapter provides procedures and establishes the approval criteria for all historic reviews. The approval criteria protect the region's historic resources and preserve significant parts of the region's heritage. The reviews recognize and protect the region's historic and architectural resources, ensuring that changes to a designated historic resource preserve historic and architectural values and provide incentives for historic preservation.

33.846.080 Demolition Review

A. Purpose. Demolition review protects resources that have been individually listed in the National Register of Historic Places and those that have been classified as contributing in the analysis done in support of a Historic District's creation. It also protects Historic Landmarks and Conservation Landmarks that have taken advantage of an incentive for historic preservation and historic resources that have a preservation agreement. Demolition review recognizes that historic resources are irreplaceable assets that preserve our heritage, beautify the city, enhance civic identity, and promote economic vitality.

B. Review procedure. Demolition reviews are processed through a Type IV procedure.

C. Approval criteria. Proposals to demolish a historic resource will be approved if the review body finds that one of the following approval criteria is met:

1. Denial of a demolition permit would effectively deprive the owner of all reasonable economic use of the site; *or*

2. Demolition of the resource has been evaluated against and, on balance, has been found supportive of the goals and policies of the Comprehensive Plan, and any relevant area plans. The evaluation may consider factors such as:
   a. The merits of demolition;
   b. The merits of development that could replace the demolished resource, either as specifically proposed for the site or as allowed under the existing zoning;
   c. The effect demolition of the resources would have on the area's desired character;

d. The effect that redevelopment on the site would have on the area's desired character;
e. The merits of preserving the resource, taking into consideration the purposes described in Subsection A; and
f. Any proposed mitigation for the demolition

Findings: The site is designated a contributing resource with a National Register Historic District. Therefore, demolition of the existing building requires Demolition Review approval.

The applicant has chosen to address Approval Criterion 2, therefore, the proposal has been evaluated against the:

1. **Comprehensive Plan Goals and Policies document [Oct 1980/November 2011];**
2. **Northwest District Plan [2003];**
3. **Alphabet Historic District [2000].**

Staff response to this Approval Criterion is organized in the following way:

Pg. 14-16: Goals and policies not applicable to the proposal

Pg. 16-17: Goals and policies met, or potentially met, by the proposal

Pg. 18-29: Goals and policies not met by the proposal

Goals and policies not applicable to the proposal under Criterion 2

COMPREHENSIVE PLAN

GOAL 1: METROPOLITAN COORDINATION
The Comprehensive Plan shall be coordinated with federal and state law and support regional goals, objectives and plans adopted by the Columbia Region Association of Governments and its successor, the Metropolitan Service District, to promote a regional planning framework.

Findings: The proposal does not involve development or coordination of the Comprehensive Plan as part of a larger planning framework. *This goal is not applicable.*

GOAL 6: TRANSPORTATION
Develop a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility.

Findings: The proposal does not involve development of a transportation system. *This goal is not applicable.*

GOAL 8: ENVIRONMENT
Maintain and improve the quality of Portland's air, water and land resources and protect neighborhoods and business centers from detrimental noise pollution.

Findings: The specific policies and objectives listed under this goal do not reference existing buildings or waste generation, but rather management of natural resources. *This goal is not applicable.*

GOAL 10: PLAN REVIEW AND ADMINISTRATION
Portland's Comprehensive Plan will undergo periodic review to assure that it remains an up-to-date and workable framework for land use development. The Plan will be implemented in accordance with State law and the Goals, Policies and Comprehensive Plan Map contained in the adopted Comprehensive Plan.

Findings: This proposal does not involve review of the Comprehensive Plan. *This goal is not applicable.*

GOAL 11: PUBLIC FACILITIES
Provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities.

Findings: This proposal is for private development and does not involve public facilities. *This goal is not applicable.*

NORTHWEST DISTRICT PLAN

POLICY 2: INSTITUTIONS
Support institutional planning, programming, and development that provides educational, cultural, medical, religious, and social services and amenities in the Northwest District. Build a climate of cooperation between the community and district institutions to ensure both the success of the institution and the livability of the neighborhood.

Findings: This proposal does involve development of institutional facilities. *This policy is not applicable.*

POLICY 3: TRANSPORTATION
Provide a full range of transportation options for moving people and goods thereby supporting neighborhood livability and commerce and reducing reliance on the automobile.

Findings: This proposal is for private development on private lands and does not involve the development of transportation facilities. *This policy is not applicable.*

POLICY 6: BUSINESS AND ECONOMIC DEVELOPMENT
Foster a healthy and prosperous business community that serves the needs of the district. Retain and expand the diverse mix of businesses and jobs.

Findings: This proposal does not involve the development of businesses, nor is development of commercial uses allowed on this site. *This policy is not applicable.*

POLICY 12: BUSINESS AND RESIDENTIAL INTERACTION
Foster cooperation between business and residential interests in the district, enhancing ways residential, commercial, and industrial uses can benefit from their interaction and mitigate negative impacts.

Findings: This proposal does not involve the development of commercial or industrial uses, nor are they allowed on this site. *This policy is not applicable.*

POLICY 13: TRANSITION SUBAREA
Integrate the subarea into the pedestrian-oriented, architecturally diverse urban fabric to the south and west. Encourage a mix of housing, commercial, institutional, open space, and light industrial uses.

Findings: This proposal is not located within the Eastern Edge Subarea. *This policy is not applicable.*

POLICY 14: EASTERN EDGE SUBAREA
Foster the development of the Eastern Edge as a transition between the more urban Central City and the Northwest District.

Findings: Objectives A and B state "support the established mixed-use urban character of this subarea" and "Encourage the location of businesses that serve local needs along NW 18th and NW 19th Avenues", respectively. The RH zoning does not allow for office or retail sales and service uses in the existing building, even through a Conditional Use. Besides residential use, other uses, such as community service, daycare, and open space are allowed, or potentially approvable through Conditional Use Review. While the subject property is within the Eastern Edge Subarea, staff believes that most of the objectives under this policy are aimed at the portions of the Eastern Edge Subarea zoned EX, rather than RH, or are otherwise not applicable.

This policy is not applicable.

POLICY 15: THURMAN-VAUGHN SUBAREA
Enhance this mixed-use subarea by emphasizing housing along NW Upshur and NW Thurman Streets and commercial uses on the south side of NW Vaughn Street and in nodes at intersections along NW Thurman Street.

Findings: This proposal is not located within the Thurman-Vaughn Subarea. *This policy is not applicable.*

POLICY 16: WILLAMETTE HEIGHTS SUBAREA
Maintain and protect the residential character and environmental resources of the Willamette Heights Subarea.

Findings: This proposal is not located within the Willamette Heights Subarea. *This policy is not applicable.*

Goals and policies met, or potentially met, by the proposal under Criterion 2

COMPREHENSIVE PLAN

GOAL 9: CITIZEN INVOLVEMENT
Improve the method for citizen involvement in the on-going land use decision-making process and provide opportunities for citizen participation in the implementation, review and amendment of the adopted Comprehensive Plan.

Findings: The applicant has complied with Title 33, Portland Zoning Code, which requires public notice, site posting, public meetings and a subsequent City Council Hearing.

This goal is met.

NORTHWEST DISTRICT PLAN

POLICY 4: PARKING
Provide and manage parking to serve the community while protecting and enhancing the livability and urban character of the district.

Findings: Objective B states: "Provide for efficient use of on- and off-street parking through such means as "shared use" of parking facilities and minimizing the number and size of curb cuts. Objective H states: "Encourage new off-street parking to locate within structures." The existing conditions include about 20,000 square feet of surface parking at the northwest and southwest corners of this half block. The proposed replacement building is intended to occupy the entire half block and would therefore eliminate these two surface parking lots. The proposed 82-unit replacement building is intended to have at least 70 below-grade parking spaces. The below-grade parking is intended to be accessed via one curb cut. Therefore, the proposed replacement building would result in the reduction of surface parking and curb cuts, with an increase of available on-street spaces due to the closure of existing curb cuts. Rehabilitation of the existing building and development of the noncontributing portions of the site could also eliminate surface parking and curb cuts, and increase the available on-street spaces. Limiting any new development to a ¼-block site does not preclude the development from including on-site parking, as stacked parking could be incorporated within the building.

If the proposed replacement building was approved, this policy would be met, however, it is worth noting that this policy could also be met through preservation of the existing historic building and redevelopment of the noncontributing portions of the site.

POLICY 9: PUBLIC SAFETY
Increase public safety by promoting measures that foster personal security and build a sense of community.

Findings: The proposed replacement building features many windows and some porches that are oriented to the streets. Windows are also present on the existing historic building, therefore, rehabilitation and occupancy of the historic building would also increase public safety. Any future proposal that included rehabilitation of the existing historic building and redevelopment of the noncontributing portions of the site would also be required to meet Community Design Guideline D5 *Crime Prevention*.

If the proposed replacement building was approved, this policy would be met, however, this policy could also be met by rehabilitation and occupancy of the existing historic building.

Goals and policies not met by proposal under Criterion 2

COMPREHENSIVE PLAN

GOAL 2: URBAN DEVELOPMENT
Maintain Portland's role as the major regional employment, population and cultural center through public policies that encourage expanded opportunity for housing and jobs, while retaining the character of established residential neighborhoods and business centers.

Findings: One of the policies listed under this goal is 2.9 *Residential Neighborhoods*, which states that the city should allow for a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods. Another policy, 2.18 *Transit-Supportive Density*, states that an average minimum residential density of 15 units per acre within ¼ mile of transit streets should be established. Goal 2.18 notes that "where these densities are not realistic or desirable due to existing, well-established development patterns or environmental constraints, use other methods to increase densities such as encouraging infill through accessory units in single-family zones or increased density on long-vacant lots."

The RH (High-Density Residential) zoning, which assumes densities ranging from 80 to 125 units per acre, and allows up to a maximum height of 75 feet and a floor area ratio (FAR) of 4:1, was established in 1980. At the time of the 1980 Comprehensive Plan, the Northwest neighborhood, after years of decline, was slowly starting to see reinvestment, including restoration of the Trenkmann Houses, directly south of the subject property, which were listed in the National Register in 1978. National Register listing and restoration of the Irving Street Houses, directly north, and the Campbell Townhouses followed suit in 1980. In 2000, the Alphabet Historic District was listed in the National Register of Historic Places, primarily as a means to protect the unique character of this part of the City. There are many historic buildings within the district that are four or five, or even six, stories tall, and this density is noted in the National Register nomination as part of the significance of this neighborhood. However, the RH zone covers broad areas of the district, thereby seemingly encouraging demolition of the older smaller-scaled buildings that fall within this zone; this zoning designation was, in fact, noted in the Alphabet Historic District National Register nomination as a "threat to the remaining single-family homes in the neighborhood".

In the past several years, there have been many new buildings constructed within the Northwest neighborhood and within the Alphabet Historic District. One of these is a six-story EX-zoned residential building one block away. Two blocks away is another 5-story EX-zoned residential building with a 5-story RH-zoned building across the street. Since construction, BDS staff and the Historic Landmarks Commission have determined that these new buildings are excessively large and relatively incompatible, particularly in one case where the new building is adjacent to, and dwarfs, a Landmark 3-story apartment building directly to its south. As such, BDS staff, the Historic Landmarks Commission and several neighbors were particularly concerned about the proposed building intended for this half-block site, and its lack of compatibility with the existing single dwelling Landmarks on both Hoyt and Irving Streets.

While the massing of the proposed replacement building appears to acknowledge the neighboring building to the north and south by stepping down to 4 stories at

the ends, the building's frontage along NW 18th Avenue is uncharacteristically long for the district, which has a historic pattern of ¼-block development. The majority of 4- to 6-story multi-dwelling buildings in the district have deep and well-defined landscaped courtyards, such as the Biltmore Apartments or the Trinity Place Apartments, as well as the more recent Park 19 Apartments east of Couch Park, approved by the Historic Landmarks Commission in 2008. In addition, the garage entrance for the proposed replacement building is unfortunately centered at the base of the primary façade, emphasizing it as a feature, when it should be de-emphasized, especially in this historic setting.

Policy 2.19 *Infill and Redevelopment* encourages "infill and redevelopment as a way to implement the Livable City growth principles and accommodate expected increases in population and employment." Similarly, Policy 2.20 *Utilization of Vacant Land* encourages the "full utilization of existing vacant land except in those areas designated as open space." While the proposed redevelopment would include the construction of new housing units on two 1/8-block surface parking lots, it would also include the demolition of an existing historic resource. The City wholly supports compatible neighborhood infill on vacant parcels as a means to meet our density and housing goals; however there are several surface parking lots, or otherwise vacant parcels in the City, that could accommodate the proposed development without sacrificing one of our historic resources.

A more properly-scaled development would include a quarter-block development to the north, with a smaller development to the south, and retaining and rehabilitating the existing historic building for residential use. Such a development pattern would be more in keeping with the historic development pattern of the Alphabet Historic District.

While the Council noted that high-density development provided many benefits related to housing and energy goals, it was also noted that the RH zoning is not necessarily an entitlement. Specifically, when a property is subject to an overlay zone, such as the Historic Resource Protection overlay zone or a Plan District, the zoning code has established that these overlays and Plan Districts modify the base zone regulations. Therefore, while high-density development is desirable closer to the city center and near transit facilities, such infill development must be compatible with its surroundings, particularly when its surroundings include significant historic resources.

This goal is not met.

GOAL 3: NEIGHBORHOODS
Preserve and reinforce the stability and diversity of the City's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and insure the City's residential quality and economic vitality.

Findings: Historic preservation is specifically stated as a policy pursuant to this goal in Policy 3.4 *Historic Preservation*: "preserve and retain historic structures and areas throughout the city." In addition, the Comprehensive Plan specifically lists Policy 3.10 *Northwest District Plan*: "Promote the livability, historic character, and economic vitality of a diverse, mixed-use, urban neighborhood by including the Northwest District Plan as part of this Comprehensive Plan." Demolition of a contributing resource in the Alphabet Historic District, which is located within the Northwest District Plan, would be in opposition to this goal as it relates to this neighborhood and the city as a whole.

The goal of increasing density and reinforcing the stability of the City's neighborhoods is supportable, provided this density is compatible with existing patterns, or meets the City's goals on balance. Increased density and stabilization of this half-block could occur through redevelopment of the vacant and less significant portions, while retaining the existing historic building, as such a development would meet the goal of preserving and reinforcing diversity of the Alphabet Historic District and the Northwest Plan District. Demolition of the existing historic building, and construction of its proposed replacement building, does not meet this goal, as it would be in opposition to the goals of preservation of historic character and promotion of diversity.

This goal is not met.

GOAL 4: HOUSING
Enhance Portland's vitality as a community at the center of the region's housing market by providing housing of different types, tenures, density, sizes, costs, and locations that accommodate the needs, preferences, and financial capabilities of current and future households.

Findings: The proposal to demolish the existing historic building, as well as the adjacent 1-story 1940 6-unit residential building and replace them with a single half-block building is contrary to this goal which aims to provide a variety of housing tenures, sizes and costs. The existing noncontributing 6-unit building, which would also be demolished, has provided housing since 1940 and provides a relatively affordable option. In contrast, newly constructed buildings typically come with high-priced rents in order to recover the costs of construction.

According to an October 31, 2014 Oregonian article "*Is Portland building enough new homes?"*, even with the current construction boom, including many new multi-dwelling developments, the supply of available apartments in Portland is not expected to meet demand over the coming years. Still, such demand is not justification for removal of existing buildings that have been designated as historically significant, particularly when preservation and development of vacant land, adjacent or located elsewhere, is an option. The applicant has indicated that the proposed replacement building would create 82 new units, including 26 studios, 36 one-bedroom units, and 20 two-bedroom units. The applicant has also indicated that the units would be rented at market-rate and workforce rates, however "workforce" housing is a loosely-defined term and does not necessarily imply affordable housing. The Portland Development Commission website defines workforce housing as "rental and ownership market housing units that are affordable to households with incomes from Moderately Priced Dwelling Units income limit up to Area Median Income." Moderate Income is then defined as "households with incomes from 61% to 80% HAMFI" (Median Family Income, as adjusted for household size). Workforce housing can then be understood to mean housing affordable to those making between 61% to 100% of the Median Family Income, as it included "up to Area Median Income". Market-rate housing is defined as "housing for which rents are not suppressed or restricted to below rents of the surrounding community generally considered to be 80% MFI or above". Therefore, the workforce housing in the proposed replacement building is essentially market-rate housing which does not respond to the city's need for affordable units for people with lower incomes.

Objective 4.1.F encourages housing design that supports the conservation, enhancement, and continued vitality of areas of the city with special scenic, historic, architectural or cultural value. By virtue of the subject property being

listed in the National Register of Historic Places as a resource that contributes to the historic significance of the Alphabet Historic District, demolition of the historic building would be in direct opposition to this objective. The building may not have been used historically for housing. It was built for hospital use and occupied with institutional and commercial uses. These prior uses are now extinguished; thus, the existing building is now simply a residentially-zoned vacant historic building in need of rehabilitation.

While it is not the burden of one applicant to supply the housing to meet the entire city's housing needs, the proposal to include a portion of the units as potential workforce housing presented the opportunity to discuss the true needs of the city. City Council noted that the applicant's proposal was based on the speculation that they would successfully obtain, through the competitive Multiple-Unit Limited Tax Exemption (MULTE) process with statutory limits, the tax exemptions necessary for providing the proposed workforce housing. Council also noted that the proposed 80% MFI workforce units did not address the true needs of the City, which is in need of housing for those earning 0%-60% MFI. While the applicant, at the December 18th hearing, proposed a 10-year commitment of $45,000 per year to the Northwest Pilot Project as additional mitigation, the Council noted that adding brick and mortar units in a high opportunity area, such as Northwest, is more valuable than dedicating money to a fund that provides subsidies for people who may not be able to find the housing to apply that subsidy. The Council noted since the MULTE process is competitive, if the development team was not successful, the public benefit on the proposal was significantly decreased.

Demolition of the existing historic building, and construction of the proposed replacement building, does not meet the goal of providing diverse housing of different types, tenures, and costs to accommodate the needs, preferences, and financial capabilities of current and future households.

This goal is not met.

GOAL 5: ECONOMIC DEVELOPMENT
Foster a strong and diverse economy which provides a full range of employment and economic choices for individuals and families in all parts of the city.

Findings: Policy 5.1 *Urban Development and Revitalization* encourages "investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities." Objective 5.1.D states that a diversity of housing types and price ranges should be provided to meet the varied needs of Portland citizens, including market, moderate and low income housing. According to a recent report by the Oregon Office of Economics titled "Portland Housing" by Josh Lehner, rental "demand and prices are at all-time highs." The report noted that "almost all of the new construction is coming at the top end of the market" and that "these units require incomes that are 2-3 times the median nonfamily income to keep at an affordable share of income." As noted above, in addition to its need to meet the housing demanded by anticipated population growth, the city also has a need for low-income units to meet the needs of its most vulnerable citizens. On balance, the proposed demolition of the existing historic building does little to meet this objective of providing a range of housing options.

Objective 5.1.E which states, "Define and develop Portland's cultural, historic, recreational, educational and environmental assets as important marketing and

image-building tools of the city's business districts and neighborhoods" is also not met by this proposal. By approving the demolition of this contributing resource in the Alphabet Historic District, the city would be encouraging the piecemeal erosion of our historic and cultural assets. In terms of image-building, demolition of designated historic resources for the purpose of clearing the way for development of privately-owned market-rate apartments would establish a poor reflection of this city's values of profit-driven development over our collective heritage. Rather, the city should uphold the precedent it established of valuing its historic resources, which it did, specific to this site, in 2000 when it created the National Register-listed Alphabet Historic District.

The proposal seeks to demolish a designated historic resource, rather than rehabilitating it for adaptive reuse, which could provide a diversity of housing options, including those for people with lower incomes. Rather, the proposed replacement building would provide limited housing options at the expense of one of our historic assets.

This goal is not met.

GOAL 7: ENERGY
Promote a sustainable energy future by increasing energy efficiency in all sectors of the city by ten percent by the year 2000.

Findings: Energy efficiency does not simply mean having a city full of LEED-certified buildings and promoting energy conservation through the replacement of old potentially drafty windows with new windows, which are often made from a relatively unsustainable material. While Council noted that if we are to meet our climate change goals, we will need more people living in multi-dwelling developments, rather than in single-dwelling structures, the energy conservation benefits of our older building stock should not be underestimated. As stated by the Advisory Council on Historic Preservation in their 1979 document "*Assessing the Energy Conservation Benefits of Historic Preservation: Methods and Examples*", "preservation saves energy by taking advantage of the nonrecoverable energy embodied in an existing building and extending the use of it." Embodied energy is the energy required to produce a building, including the energy used to extract the materials from the earth, manufacture, transport, and install those materials, as well as the energy required to maintain the building over time. Since 1979, there have been numerous studies on the environmental benefits of preservation, including the National Trust for Historic Preservation's Preservation Green Lab 2012 study *"The Greenest Building: Quantifying the Environmental Value of building Reuse"*, concluding that "reusing an existing building and upgrading it to maximum efficiency is almost always the best option regardless of building type and climate." In this report, which looked specifically at Portland, the Green Lab noted that "15% of Multnomah County's total CO_2 reduction targets, over the coming decade, could be met simply by retrofitting and reusing existing buildings rather than demolishing and building new, efficient ones."

Policy 7.8 *Energy Supply* states that "the City shall promote conservation as the energy resource of first choice." This policy should not only apply to conservation of energy sources and use of sustainable energy sources, but conservation of existing embodied energy, as contained in existing buildings, as the adage "the greenest building is the one that's already built" has scientific merit. While the applicant has indicated the proposed replacement building will seek LEED certification and use passive house energy design principles, this is

not a substitute for the embodied energy already contained within the existing historic building, as outlined above.

This goal is not met.

GOAL 12: URBAN DESIGN
Enhance Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations.

Findings: Objective 12.1.B states that the character of Portland's neighborhoods should be preserved and enhanced and encourages the development of attractive and unique characteristics which aid each neighborhood in developing its individual identity. A major aspect of the character of the subject property's neighborhood is the abundance of a diverse collection of older buildings, as recognized by the designation of the Alphabet Historic District. This designation signifies that this part of the City is historically significant with regard to the overall development of the City. Allowing the demolition of one of the resources that contributes to the character of this neighborhood would remove a unique piece of this neighborhood's character. In addition, the proposed replacement building would not enhance the character of the neighborhood as it is wholly incompatible with regard to its proposed scale, massing, form and character.

Policy 12.3 *Historic Preservation* states the following: "Enhance the City's identity through the protection of Portland's significant historic resources. Preserve and reuse historic artifacts as part of Portland's fabric. Encourage development to sensitively incorporate preservation of historic structures and artifacts." Objective 12.3.A states that the city should "preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects." Demolition of this designated historic resource would be in opposition to this policy and objective. Sensitive incorporation of the historic structure into the new development, through its rehabilitation combined with development of the adjacent surface parking lots, as suggested by the overall policy, would result in a development that is more compatible with the district and adjacent historic properties with regard to relative scale and massing.

Objective 12.3.E states that the City should "protect potentially significant historic structures from demolition until the City can determine the significance of the structure and explore alternatives to demolition." The applicant has questioned the validity of the subject property's listing as a contributing resource, stating that it is not associated with any significant person or architect, or architectural style, and inferring that it was incorrectly categorized in the National Register nomination. The Alphabet Historic District nomination's description for the subject property is limited in scope and indeed does not mention any of the potentially significant associations identified since the nomination was written. These potentially significant associations include original owners of the property, Ballou and Wright, designer of the building, Camp and DuPuy, and original occupant of the building, the Women's Hospital of Portland, operated by Alta B. Y. Spaulding.

The applicant contends that none of these associations are significant as they are not noted in the Alphabet Historic District nomination. That is not entirely true as the significance description for the adjacent noncontributing building at 624 NW 18th, also proposed for demolition, states that "the building is of interest for its association with Oscar Ballou, who made a significant contribution to

Portland's business development." Oscar Ballou is best known as one-half of the bicycle, motorcycle and accessory automobile parts wholesaling duo of Ballou & Wright. Ballou and Charles F. Wright formed their partnership in Montana in 1895, and after a brief hiatus, resurrecting it in Portland in 1901, where it continued until Wright's death in 1958. According to the National Register nomination for the Ballou & Wright building at NW 10th and Flanders, prior to being the bicycle trade, Ballou was a gold prospector and building contractor in western mining and railroad towns. This prior experience may have led to Ballou's speculative construction projects including 624 NW 18th as well as the subject property, as a January 19, 1918 Oregonian article indicates that City Council approved Ballou & Wright's proposal to construct a maternity hospital at this location, adding that they had commissioned Camp & DuPuy to design and construct the building.

While not specifically mentioned in the Alphabet Historic District nomination, Camp & DuPuy were a locally active architect and contractor team between 1907 and 1925. The Ladd's Addition Historic District National Register nomination notes that Camp & DuPuy billed themselves as "Builders of Good Houses" and built "a variety of styles, following general trends in popular taste." However, the existing historic building, as well as the Portland Women's Club at 1220 SW Taylor Street, is evidence that they also designed and constructed buildings of larger scale.

Upon the hospital's opening, a November 24, 1918 Oregonian article indicated that Mrs. Alta B. Y. Spaulding had equipped and opened the hospital which would primarily handle maternity cases. Mrs. Spaulding was noted as having 18 years of hospital experience, previously having organized and acted as superintendent of the Multnomah County Hospital for the prior eight years. While Mrs. Spaulding may have been more influential at other points in her career, and in other buildings, the subject property appears to be the first building where she was solely in charge of the services provided for a period of more than ten years. Staff notes that this accomplishment is not insignificant, particularly as a female, a historically under-represented sector of the population with regard to their noted contributions to society and, in particular, a very under-represented population identified as significant in the Alphabet Historic District nomination. At the very least, Mrs. Spaulding's significance and more than 10-year association with the historic building deserves further study. While the applicant has performed some of this research, concluding that Mrs. Spaulding was "an important voice" in the development of nurse training here in Portland, additional study is warranted.

Council noted that the history of the building is more significant than the architecture of the building, specifically noting the association with Mrs. Alta B.Y. Spaulding and her contributions to local nursing history and her accomplishments as a professional woman in that time period. Council also noted that the existing building is appropriately scaled for the historic district and the proposal to demolish did not include a compatible replacement building, particularly with regard to the adjacent Landmarks. The Council also noted that early design advice from the Historic Landmarks Commission could have helped to inform the design process, ultimately resulting in a more compatible and specific design that showed greater deference to its historic neighbors and more clearly balanced the approval criteria. Council stated that in order to approve the demolition of a historic resource the applicant must prove that there is a significant public benefit to mitigate for the loss of a historic resource. The applicant has not carried its burden to demonstrate the proposed replacement

building offers a mitigating public benefit sufficient to merit approval of this application.

For the reasons stated above, this criterion is not met.

NORTHWEST DISTRICT PLAN

POLICY 1: LAND USE
Participate in the growth of the metropolitan region in a manner that protects and enhances the quality of life in the Northwest District. Enhance the district's sense of place as a distinct yet diverse community, with an active mix of housing and businesses.

Findings: Objective A states: "Support land use strategies and developments that increase the amount of housing in the district." The proposed replacement building is intended to have 82 residential units, a significant increase over the existing 6 units in the adjacent noncontributing resource. Therefore, this objective appears to be met. However, new residential units could also be provided within the existing historic building, on the ¼-block to the north, and potentially on the 1/8-block to the south of the historic building. While the total number of new housing units would be less than currently proposed with the replacement building, incorporation of the existing historic building into a new development proposal would still result in a significant increase of housing units.

Objective F states: "Support small-scale developments that are oriented to pedestrian use. The existing historic building and the existing noncontributing resource are considered small-scale developments; the proposed replacement building is a rather large-scale development at 4-6 stories tall. A smaller-scale, and more appropriately scaled, development would potentially include 2- to 2½-story rowhouse-type development which takes cues from the neighboring Landmark buildings.

Again, the Council noted that the RH base zone was not necessarily an entitlement, and new multi-dwelling developments, while generally desirable, if located within a historic district, must be compatible with the surrounding historic resources.

Because of the inappropriate scale of the proposed replacement building, the Council finds this policy, on balance, is not met.

POLICY 5: HOUSING
Retain the district's existing housing stock and mix of types and tenures. Promote new housing opportunities that reflect the existing diversity of housing and support a population diverse in income, age, and household size.

Findings: Objective A states: "Increase the number of housing units in the district, including rental and ownership opportunities for current and future district residents." As noted under Northwest Plan District Policy 1 *Land Use*, the proposed replacement building would result in an increase of housing units, as would rehabilitation of the existing historic building and redevelopment of the other portions of the property.

Objective B states: "Increase the supply of housing that is affordable, accessible to a full range of incomes, and provide for special needs housing." As noted under Comprehensive Plan Goal 4 *Housing*, the proposed replacement building

would provide market rate housing, and potentially workforce house, described above as that considered affordable to those making within 61% to 100% of the median family income. While the applicant indicated that some of the units could be offered at 80% MFI through the competitive MULTE program, this description implies that the applicant could establish rents that are affordable to those making 100% of the median family income which is not necessarily affordable housing. Therefore, the proposed provision of some workforce housing does not meet the objective of providing housing that is affordable and accessible to a full range of incomes, as low-income households could not afford such housing.

Objective F states: "Encourage the renovation and rehabilitation of existing housing as a preferred alternative to clearance and redevelopment." The existing historic building was previously used for offices, rather than housing, it is a residentially zoned vacant building. Therefore the Council finds this objective is reasonably applicable. As the objective encourages rehabilitation and renovation over clearance and redevelopment, the existing historic building could be rehabilitated for use as residences, or one of the other uses allowed either by right or through preservation incentives. The proposal to demolish the existing historic resource to redevelop the property with a 6-story building is in opposition to this objective.

The Council noted that higher-density development, including developments that provide 2- and 3-bedroom units, and offer housing affordable to lower- and higher-level incomes, is much desired close to the city center. However, if these developments are to come at the expense of a contributing resource, there must be a substantial public benefit associated with the proposal. The Council finds that the proposed apartment building with primarily studio and 1-bedroom units and with approximately 80% of the total units offered at market rate does not offer a significant public benefit and does not meet the objectives outlined in this policy.

For the reasons stated above, this policy is not met.

POLICY 7: URBAN DESIGN
Respect the urban design principles and architectural qualities that define the district's human-scaled, pedestrian-oriented character.

Findings: Objective A states: "Integrate new development with the existing urban fabric by acknowledging the scale, proportions, orientation, quality of construction and other architectural and site design elements of the building's immediate area." For reasons also stated under Comprehensive Plan Goal 2 *Urban Development*, the proposed replacement building is not responsive to the scale, proportions, architectural or site design elements of the existing urban fabric. The majority of buildings in the immediate vicinity are 2½-story Landmark dwellings, individually listed in the National Register of Historic Places in 1978, in addition to being designated contributing resources in the Alphabet Historic District. In total, there are 13 Landmarks within a 1-block radius of the proposed development. Eight of these 13 are located on the north half of the block bound by NW 17th, Hoyt, 18th, and Glisan, with three of these buildings directly facing the south end of the proposed development, or the surface parking lot serving the existing historic building. These eight buildings are known as the Trenkmann Houses, built in the Eastlake style in 1890, the majority of them meticulously restored in 1977. These houses are characterized by their uniform setbacks from the street, residential character, and Eastlake

Victorian architectural detailing, including angled bays, front porches, stained glass windows, shingles, and tongue-and-groove siding. Together, they establish a unified streetscape though each house features variations to distinguish it from its neighbor.

To the north at the northeast corner of Irving and NW 18th are four similar Queen Anne residential structures, built around 1884 and listed in the National Register in 1980. Three of these Landmarks directly face the proposed replacement development. Each of these buildings is 2½-stories tall, set back from the street, and features Eastlake Victorian detailing, including angled bays, front porches, sunburst pediments, corner boards, shingles, and beaded horizontal board siding. Like the Trenkmann Houses, these buildings were restored in the late 1970s. Directly east of the Irving Street Houses, are the Campbell Townhouses, a set of six connected rowhouses built in 1893. In 1980, they were listed in the National Register as a single landmark. Four of the townhouses face Irving Street while two face NW 17th Avenue. The townhouses are particularly unique in that they are more representative of residential architecture typical on the east coast at the time of their construction, and are the only known extant brick rowhouses in Oregon from that time period. The rowhouses are set back from the street and feature Queen Anne detailing, including square bays with pressed tin pediments, pedimented gable porches, and arched window and door openings. The Campbell Townhouses were also restored in the late 1970s. Circa 1978, NW Hoyt and NW Irving, between 17th and 18th Avenues, were designated one-way streets, a property owner-driven initiative to reduce traffic on these streets and preserve the residential character of these distinctive residential blocks.

There are other buildings in the immediate vicinity, including additional 2-story residential structures typically of wooden construction in the Queen Anne or Craftsman style, a 2-story Gothic Revival church now used as residences, 1-story concrete commercial and church buildings, and a 1-story brick garage building, many of which are listed as contributing resources in the Alphabet Historic District. The compatibility of the proposed replacement building should be considered primarily with regard to its compatibility with the Landmark structures rather than other nearby buildings of lesser significance, as the proposed development has the potential to have a greater adverse affect on the more significant resources than it does on less significant resources. As such, the proposed replacement development is wholly incompatible with the existing urban fabric in scale, proportion, and architectural and site design. The proposed replacement building is not integrated with the existing urban fabric as it is not set back from the street, it does not feature intricate architectural detailing, and most significantly, it is much taller and more massive than the modest Landmark residential structures in the immediate vicinity.

Objective C states: “Preserve and enhance the distinct character of different parts of the Northwest District.” In order to respond to this objective, BDS staff looked to the Desired Characteristics and Traditions for the Eastern Edge Subarea, noted in the Northwest District Plan, as these speak specifically to the character of this particular part of the Northwest Plan District. Notably, it is suggested that “the historic resources of the Eastern Edge, part of which is located within the Alphabet Historic District, should be preserved.” It is also suggested that new development “should contribute to the architectural diversity of the Eastern Edge and continue its established pattern of partial block building massing, with parking areas screened behind buildings.” While one of these characteristics would be met with the screening of parking, it would occur

at the expense of the historic resource. As such, the proposal to demolish the existing historic resource is in opposition to this objective.

The Council noted any proposed replacement building must consider and be compatible with its surroundings. The proposed replacement building does not appear to offer enough deference to its neighboring Landmarks, particularly when compared to the scale and size of the existing building. As such, the proposed demolition and replacement does not clearly meet this policy.

For the reasons stated above, this policy is not met.

POLICY 8: HISTORIC PRESERVATION
Identify, preserve, and protect historic resources and support development that enhances historic qualities of the district.

Findings: Objective A states: "Promote restorations and renovations of residential and commercial structures that maintain the historic style, quality, and character of the original building." Objective B states: "Encourage adaptive reuse of historic resources that maintain their historic character." While the building has experienced alterations that have removed some of the original character of the building, including re-orienting the building toward the south, it was accepted by the State Historic Preservation Office as a contributing resource in the district. The significance of the building, as described in the National Register nomination, indicates that it is "a good example of a Streetcar Era Commercial structure and is therefore significant as part of the larger grouping of commercial development that occurred in the Northwest neighborhood." This description may not be completely accurate, given new information on the building's origins, which were discovered long after the National Register listing and the information discovered only adds to the property's relative significance. In addition, although the building has been modified, it is still recognizable as a building of its era, as the alterations were not so extreme that they permanently obscured the overall form, orientation, or materiality of the building. The original character and quality of the building is still largely intact, though slightly compromised. As such, the intent of Objectives A and B should not be disregarded and the existing historic building should be restored and adaptively reused as part of an overall development of this half block.

The Council noted that the City lacks significant incentives that would encourage property owners to seismically upgrade their buildings. While it may not be currently financially feasible to fully preserve the building due to the costs of seismic reinforcement, that alone is not a basis for approving demolition of a historic resource and replacing it with a proposal that is primarily speculative with regard to mass, scale, form, and detailing. Council also noted that in order to approve the demolition of a historic resource, there must be some significant public benefit provided as mitigation for the loss of the historic resource and to better balance the various goals of the Comprehensive Plan. That is not the case here.

Because the applicant proposes to demolish the historic building which still maintains much of its historic character, this policy is not met.

POLICY 10: QUALITY OF LIFE
Strengthen the sense of community and ensure that cultural, educational and recreational resources continue to be a vital part of public life.

Findings: Generally, historic resources are considered under the large umbrella of cultural resources. Many of the testifiers noted that the existing building added to the quality of life in the neighborhood particularly through its scale, mass, and character, adding that the proposed development would have a negative impact on the quality of life in the vicinity due its disproportionate mass and scale. In addition, although outside of the Alphabet Historic District's period of significance, a significant aspect of the building's history is its former use as the Art and Crafts Society building which housed an art gallery and offered classes to the public. A similar use could be reinstated again, bolstered by the recently invigorated sense of community that was cultivated through this process. While the existing building has a history of serving as a cultural, educational, and recreational resource, and could continue to do so, the proposed building did not appear to make such offering, as it was entirely devoted to residential use. As such, demolition of the existing historic resource would be in opposition to this policy.

This policy is not met.

POLICY 11: ENVIRONMENT
Protect and enhance the environmental and natural resources of the district.

Findings: Objective C states: "Promote the use of innovative measures that improve air and water quality and energy efficiency." The concept of embodied energy was discussed in the findings under Comprehensive Plan Goal 7 *Energy*, in which the demolition of the existing historic building was noted as a loss of embodied energy. The demolition of existing buildings, historic or otherwise, introduces a significant environmental cost that should be considered more seriously in this City's future undertakings; preservation and adaptive reuse of our existing building stock is a severely undervalued and overlooked tool in our ongoing efforts to become the "greenest city". Securing and actively implementing strong protections for our designated historic resources is just one of these innovative measures toward energy efficiency and, ultimately, protection of our natural resources.

Objective E states: "Encourage recycling and the reduction of solid waste generation and litter in the district." Demolition of the existing building would result in a significant amount of construction waste. While much of this waste is required to be recycled, restoration of the building would result in significantly less total solid waste generated.

For the reasons stated above, this policy is not met.

OTHER TECHNICAL REQUIREMENTS

V. CONCLUSIONS

Comprehensive Plan Objective 12.3.B states: "Support the preservation of Portland's historic resources through public information, advocacy and leadership within the community as well as through the use of regulatory tools." Through this objective, the City has charged itself with taking a leadership role in preserving the city's historic resources. This Demolition Review process is part of the regulatory toolbox in the City's charge to meet this objective. This Demolition Review process presents the opportunity for City Council to squarely meet this objective by establishing a high bar for approving demolition of historic resources, including the contributing resource at issue in this application.

Prior to this application, only one Type IV Demolition Review has been processed and approved in the City's history. This 2010 approval allowed demolition of the historic Kiernan Building, also known as the Dirty Duck Tavern, at the northwest corner of the Chinatown/Japantown Historic District. In the decision of the City Council it was noted that "a new proposed facility, encompassing low-income housing, a soup kitchen, and other related services, predicated on Title 30.01 (which requires City Subsidized Properties to maintain a minimum of 60-year low-income affordability requirement) is the highest and best use of the site." It was also noted that the proposed project was "designed to meet the unique and special needs of a targeted homeless and/or at-risk population, while providing a safe and stable environment that encourages workforce training and personal growth." Council found that on balance, the proposal met the approval criteria to approve demolition.

Demolition is only one path toward improving the condition of this half block. Other options are available to achieve this purpose, including redevelopment of the half-block to the north and development of a smaller building, or even open space, to the south, as well as rehabilitation of the historic resource. While the existing historic building is an appropriate scale for the adjacent properties, the proposed replacement building is severely out of scale and character, and would significantly detract from the historic character of nearby Landmarks. Demolition of the historic resource would forever remove a portion of the history of the Northwest neighborhood and the Alphabet Historic District. As discovered through this process, the existing historic building appears to possess particular significance related to women's history, which may be worthy of further exploration.

Council noted that, while each application is decided on a case-by-case basis, the intent is to apply the Code consistently so as to inform future development proposals. In that sense, in the first and only Type IV Demolition Review (LU 09-171258 DM – Demolition Review for the Kiernan Building aka Dirty Duck Tavern) before this case, the Dirty Duck case established the precedent of looking at the Comprehensive Plan and area plan goals comprehensively with the view toward which proposal offers the greatest public benefit. As the purpose of the Comprehensive Plan is to guide development in a manner that serves the public good, this way of assessing and balancing the goals of these plans can help determine the relative value of each goal as it is met, or not met, by each proposal. Where there are multiple objectives, as in this case, the Council must review the proposal against each objective. If a proposal is consistent with certain objectives but inconsistent with other objectives, the Council determines the weight to be given to each objective, and evaluates whether on balance the proposal is consistent with the City's goals. In this case, Council gives more credence to the City's goals related to historic preservation, over those related to housing, as the proposal did not appear to meet the city's specific housing needs. A proposal offering a greater diversity of housing that meets the specific and greatest needs of the city, which is for lower-income housing, could potentially offer a greater public benefit than the preservation of this specific building, and therefore shift the balance of the approval criteria.

In this case, where the Council noted that the public benefit is minimal, approving demolition of this historic resource would send the signal that the City prioritizes private development over preservation of our collective heritage. As outlined above, Council found that the applicant's proposal to demolish the Buck-Prager Building, a contributing resource in the Alphabet Historic District, and located at 1727 NW Hoyt, did not adequately balance the goals of the Comprehensive Plan and Northwest District Plan; therefore it did not merit approval.

VI. DECISION

It is the decision of Council to: Deny the Demolition of the Buck-Prager Building, a Contributing Resource in the National Register Alphabet Historic District.

VII. APPEAL INFORMATION

Appeals to the Land Use Board of Appeals (LUBA)
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 appeared orally or in writing during the local proceedings for this land use review. You may call LUBA at 1 (503) 373-1265 for further information on filing an appeal.

EXHIBITS NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement:
    1. Original Submission
    2. Pre-Application Conference Summary Memo
    3. Existing Site Plan
    4. Applicant Response to public comments, dated December 9, 2014
    5. Applicant Rebuttal, received December 18, 2014
B. Zoning Map (attached):
C. Plans & Drawings: not applicable
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
    7. Revised City Council Posting Notice
    8. Mailing list for Revised Notice
    9. Mailed Revised notice
E. Agency Responses:
    1. Site Development Review Section of Bureau of Development Services
    2. Life Safety Division of BDS
    3. Water Bureau
    4. Fire Bureau
    5. Bureau of Environmental Services
F. Letters:
    1. Gustavo Cruz and John Bradley, Northwest District Association, on November 3, 2014, submitted a letter of opposition dated July 22, 2014, requesting that City Council protect the contributing resource proposed for demolition and vote against the proposal.
    2. Mary Ann Pastene, on November 2, 2014, wrote in support of the demolition but requesting consideration of the existing nine trees, whose removal she does not support.
    3. James Pastene, on November 2, 2014, wrote in support of demolition of the historic building, which he considers an unattractive and unsafe nuisance, noting that the proposed replacement building includes underground parking which will not be possible with retention of the existing building, and adding

that he believed the building would fit in with the existing neighborhood and the RH zoning.

4. Michael Wallace, on November 5, 2014, wrote in opposition to the proposal, stating that granting of such would ease the path to the destruction of other historic resources and sets a precedent with harmful consequences for historic preservation efforts all over Portland, and noting concerns with the compatibility of the proposed development relative to the surrounding homes.
5. Steve Connolly, on November 4, 2014, wrote with concerns that the proposed development would block views of downtown to his building and concerns with increased density.

G. Other:
   1. Original LUR Application
   2. Alphabet Historic District National Register nomination (by reference)
   3. Staff Memo to Historic Landmarks Commission, dated November 7, 2014
   4. Draft Staff Report and Recommendation to City Council, dated November 7, 2014

H. Historic Landmarks Commission meeting to issuance of Staff Report and Recommendation
   1. Staff Presentation to the Historic Landmarks Commission, November 17, 2014
   2. Applicant Presentation to Historic Landmarks Commission, November 17, 2014

   Public Testimony Received prior to the November 17, 2014 Historic Landmarks Commission meeting:

   3. Terra Wheeler, on November 6, 2014, wrote in opposition, noting development pressures and a lack of advocacy at the level of city leadership, and noting that demolition is not compatible with the City's focus on sustainable development.
   4. Teresa McGrath and Nat Kim, on November 6, 2014, wrote in opposition, noting there is a lot of history associated with the building and demolition would carve away the livability and beauty of the neighborhood.
   5. Steve Connolly, on November 10, 2014, wrote in opposition, noting the proposed building would be anathema to the meaning of a historic neighborhood, and suggested that if demolition is approved, then the proposed building should be no more than 3 stories.
   6. Jim Heuer, on November 10, 2014, wrote in opposition, noting that demolition of this historic resource is not necessary in order to meet the city's housing goals, as there are numerous vacant parcels and surface parking that can accommodate such use at the desired densities.
   7. Brad Larrabee, on November 6, 2014, wrote in opposition, noting the existing building fits in with the scale and history of the neighborhood, and the proposed building does not, requesting that we stop allowing and encouraging the over development and destruction of our city.
   8. Dan Volkmer, on November 9, 2014, wrote in opposition, stating that the Alphabet Historic District cannot afford to lose a single contributing resource, adding that the property has significant historic associations related to development of the neighborhood, associations with significant persons, and architectural merit.
   9. Vicki Skryha and Allen Buller, on November 12, 2014, wrote in opposition, noting the rich history of the historic building, the lack of merit in its demolition, the adverse effect demolition and construction of the proposed building would have on the neighborhood, the merits of preserving the existing building, and the lack of mitigation proposed.
   10. Alan Costly, on November 6, 2014, wrote in support of demolition, noting a lack of historic significance, beauty, or economic benefit in the existing building, adding that the proposed building is too unformed to endorse.

11. Jill Warren, on November 11, 2014, wrote in opposition, noting that tearing down historic buildings for profit sends a message to developers that it is open season for developers to purchase historic properties and exploit them.
12. Carrie Richter, representing NWDA and Jessica Richman, on November 14, 2104, wrote in opposition, noting the significance and integrity of the existing building and the errors in the applicant's assertion that the building lacks significance or integrity.
13. Wendy Chung, on November 15, 2014, wrote in opposition, noting the demolition hinders Comprehensive Plan goals and the proposed development would have a negative impact on the area's desired character, as well as questioning some of the claims made by the applicant in the application.
14. Byron Caloz, on November 17, 2014, wrote in opposition, noting the scale of the existing building, as well as the financial pressures facing the owner, and encouraging the public to do all it can to assist the owner in preserving the existing building.

Received at the Historic Landmarks Commission meeting on November 17, 2014:

15. Sarah Hobbs, presented oral testimony in opposition.
16. Dan Volkmer, presented oral testimony in opposition.
17. Jill Warren, presented oral testimony in opposition.
18. Tanya March, presented oral testimony in opposition.
19. Allen Buller presented oral and written testimony (same as Exhibit H-9) in opposition.
20. Vicki Skryha, presented oral and written testimony (see Exhibit H-19) in opposition.
21. Daniel Kearns, presented oral testimony in opposition.
22. Kathleen Sharp, did not present oral testimony, but noted her opposition.
23. Rich Ovenburg, presented oral testimony in opposition.
24. Tony Schwartz, presented oral testimony in opposition.
25. Richard U'Ren, presented oral and written testimony in opposition, noting demolition would set a bad precedent for the Alphabet Historic District and other neighborhoods, adding that it has been neglected by the owners for the last six years, and the proposed building would significantly compromise the character of the historic neighborhood.
26. Dragana Milosevic, did not present oral testimony, but noted her opposition.
27. Annette Jolin, presented oral and written testimony in opposition, noting that demolition of the existing building deprives the historic district of an irreplaceable building in favor of a money-making project that masks its intent under the guise of community improvement.
28. Page Stockwell, presented oral and written testimony, in opposition, encouraging City Hall to deny the proposal, noting that approval of its demolition would amount to a betrayal of civic duty and would be noted locally and nationally.
29. John Czarnecki, presented oral testimony in opposition.
30. Wendy Chung, presented oral testimony in opposition as well as a drawing showing what the building could look like it were it rehabilitated.
31. Siri A. Shetty and Brad Hockhalter, did not present oral testimony but noted their opposition, noting that demolition means the resource is gone forever and the proposed building would make the neighborhood less livable.
32. Wendy Rahm, did not present oral testimony, but noted her opposition, stating this would set a precedent, it is an irreplaceable piece of women's history, and it would compromise the historic district.
33. Sara Long, presented oral testimony in opposition.

Received after the November 17, 2014 Historic Landmarks Commission meeting:

34. Carol McCarthy, Chair of the Multnomah Neighborhood Association, on November 17, 2014, wrote that the Association is in opposition to the proposed

demolition, noting its value as a historic resource and its contribution to the historic character of the neighborhood, adding that the proposed building is not in keeping with the character of the neighborhood.

35. Janet Kuh-Urbach, on November 18, 2014, wrote in opposition, noting that once a building is destroyed it is final and that it should only be considered with a very compelling argument, and suggested we invest in affordable housing and a competitive school system rather than destroying our heritage.
36. Fred Nussbaum, on November 18, 2014 wrote in opposition, noting the historic and architectural significance of the existing building, and that providing space for an ordinary new apartment building is not a compelling reason to demolish a historic building.
37. Ken Love, South Portland Neighborhood Association, on November 7, 2014, wrote that the Neighborhood Association is in opposition to the proposed demolition, noting the proposed replacement apartment building that is out of scale and character is not an adequate reason to harm the character of the existing neighborhood, adding that the approval criteria are not met and approving the demolition would set a precedent with likely harmful consequences for historic preservation efforts all over Portland.
38. Shinann Earnshaw, on November 19, 2014, wrote in opposition, noting the proposed building should not be demolished for another ugly box of an apartment building.
39. Brian Emerick and Jessica Engeman, Chair and Vice Chair of the Portland Historic Landmarks Commission, on November 21, 2014, wrote in opposition to the proposal, noting the significance of the building on its own merits and relationship to the historic district, stating that reuse better meets the Comprehensive Plan goals, and concern that approval of the demolition would set a precedent that sends the message that our contributing buildings are not valued.
40. Jan Kuhl-Urbach, on November 25, 2014, wrote in opposition to the demolition of historic buildings for the purpose of building housing for projected population growth, suggesting development of affordable housing and a competitive school system should be the priority. Ms. Kuhl-Urbach's letter did not specifically reference this case, but appeared to be in reference to this case more than any other active cases; as such, it is included in this record.
41. Mary Ann Pastene, on November 20, 2014, wrote in support of demolition, noting that the existing unreinforced masonry building is unoccupied, unused, and attracts homeless, litter, and vandalism, adding that the not every building is worth preserving and development would allow for better utilization of the property.
42. Jim Heuer, on December 10, 2014, wrote in opposition to demolition, providing additional information on Camp & DuPuy, the architect/builder firm for the building.
43. John Czarnecki, on December 10, 2014, wrote in opposition to demolition, noting that preservation supports comprehensive sustainability, including economic sustainability and that the public is well-served by preservation of the existing building. He also submitted "Measuring Economic Impacts of Historic Preservation, a November 2011 Report to the Advisory Council on Historic Preservation into the record.
44. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on December 5, 2014, wrote in opposition and submitting a resolution, passed unanimously by the Irvington Community Association Board of Directors, stating that historic resource protection overlay zone trumps the base zone standards, that the strength of a historic district is the sum of its contributing resources, and that the approval of the application would put other historic districts at risk.

45. Fred Nussbaum, on December 8, 2014, wrote in opposition, stating that providing space for an ordinary new apartment building is not a compelling reason to demolish a historic building.
46. Gustavo J. Cruz Jr. and John Bradley, President and Land Use Chair of the Northwest District Association, on December 8, 2014, wrote in opposition, noting that the building could be easily restored, there is significant public opposition to demolition, and that demolition would send a message that the City prioritizes private gain over preservation of the City's historic resources, thereby rendering historic designations in the city as meaningless. The NWDA also submitted a rendering created by Don Genasci, showing what the building could look like and the results of an online petition to save the building which generated nearly 1,500 signatures.
47. Ted Miller, on December 1, 2014, wrote in support, noting that additional residential units would enhance neighborhood safety and livability.
48. Vicki Skryha, on December 2, 2014, wrote in opposition, noting the significance of the building and an abundance of market-rate apartments in the Northwest District.
49. Allen Buller, on December 2, 2014, wrote in opposition, noting the history of the building and the lack of appropriate character is the proposed replacement building.
50. Wendy Chung, on December 2, 2014, wrote in opposition, noting the number of residential units recently added in the Northwest District, adding that the city can reach its density goals without demolishing a 95-year old designated historic structure.
51. Wendy Chung, on December 2, 2014, wrote in opposition, responding to the merits of demolition and preservation.
52. Gordon Harris, on December 3, 2014, wrote in support, noting the challenges with rehabilitation and the benefit of replacing it with a new building with underground parking.
53. Doug Macy, on December 5, 2014, wrote in support, stating that the building was tired and lacking distinction and that a new building with on-site parking would fulfill the goals of the Comprehensive Plan and Northwest District Plan.
54. Al Solheim, on December 8, 2014, wrote in support, noting that the building contributes little character to the neighborhood and adding that his support for demolition is not necessarily support for the proposed building.
55. Vince Paveskovich, on December 8, 2014, wrote in support, stating that the proposed development will help stabilize the community.
56. Steven W. Abel, on December 9, 2014, wrote in support, stating that the existing building lacks integrity and an ability to convey its history and that the proposed development fulfills the development framework and zoning.
57. William J. Cook, Associate General Counsel for the National Trust for Historic Preservation, on December 10, 2014, wrote in opposition, noting that any challenges to the existing building's continued recognition as a contributing property should be disregarded as a matter of law, as its designation has not been formally challenged to the State Historic Preservation Office.

I. City Council hearing
1. Staff Report and Recommendation, dated December 1, 2014
2. Staff Presentation, dated December 10, 2014
3. Applicant Presentation, dated December 10, 2014
4. Testimony Sign-up Sheet

Public Testimony presented at the December 10, 2014 hearing

5. Jeff Stuhr, maps showing the location of 4-6-story apartment buildings located adjacent to 1-3-story homes.

6. Daniel Kearns, representing NWDA and Jessica Richman, Findings and Conclusions for LU 09-171259 DM, the previous Type IV Demolition Review for the Dirty Duck Tavern.
7. Daniel Kearns, slide presentation.
8. Tanya March, presented historic documentation regarding adoption of design guidelines for the Alphabet Historic District.
9. Tony Schwartz, representing Don Genasci, written testimony and rendering made by Don Genasci.
10. Gustavo Cruz, Northwest District Association, written testimony.
11. Vicki Skryha, written testimony.
12. Wendy Rahm, written testimony.
13. Mary Czarnecki, representing John Czarnecki, written testimony.
14. Jim Heuer, written testimony.
15. Constance Kirk, on December 12, 2014, wrote in opposition, noting the number of people present at the December 10th hearing opposed to demolition is a powerful statement of the polity committed to preservation.
16. Alice Duff, on December 12, 2014, wrote in opposition, noting that it is the National Register of Historic places, not the National register of Beautiful Places and objecting to the demolition of historic buildings to maximize private profit at the community's expense.
17. Adam Liberman, on December 12, 2014, wrote in opposition, stating that it should not be up to developers with profit motives to decide what is worth saving and what isn't for the rest of the community.
18. Lori Reilly, on December 12, 2014, wrote in opposition, stating that a city that allows pieces of its past to be bulldozed has no respect for its past or what it means to have character, and encouraged City Council to protect historic buildings from rampant development.
19. Sharon Whitney, on December 12, 2014, wrote in opposition, urging City Council to consider the value to residents and visitors alike of our historic districts, stating that "great cities large and small don't cast away their patrimony".
20. Dennis Harper, on December 12, 2014, wrote in opposition, stating that, as an architect, he can imagine an infill development linked by courtyards that includes a ¼-block building to the north, the existing building, and a smaller building on the southern parking lot, all sensitively designed to be compatible with the Queen Anne's on Hoyt and Irving.
21. Rick Michaelson, on December 14, 2014, wrote in opposition, clarifying the difference between public benefit and mitigation, and stating that the proposal should have both public benefits and mitigation for the loss of the historic building in order to merit demolition. He also noted that historic resource review, as opposed to design review, focuses on aspects such as mass and scale in order to achieve compatibility with the historic district.
22. Iain MacKenzie, on December 16, 2014, wrote in support, stating that the city needs more housing and that the shortage of housing is what keeps the housing costs high and noted that the Alphabet Historic District has many 5-story multi-family buildings and a replacement 4-6-story building would fit within this context.
23. Daniel Kearns, representing NWDA and Jessica Richman, on December 16, 2014, wrote in opposition, stating that Type IV approval requires more than merely providing housing that the base zone allows, noting that the proposal for market rate housing with no guarantee of lower-income housing provides no public benefit.
24. Christine Colasurdo, on December 16, 2014, wrote in opposition, stating that we need to keep what little is left of Portland's architectural legacy and encouraged City Council to show leadership and preserve Portland's architectural past.

25. Carl and Rosa Marshall, on December 16, 2014, wrote in opposition, stating that demolishing a historic building for new construction is not a path we should set for historic buildings in the Northwest district.
26. Ken Forcier, on December 17, 2014, wrote in opposition, encouraging City Council to find for the wants of the citizens.
27. Rick Michaelson, on December 18, 2014, presented oral testimony in opposition and submitted the "Conclusion" potion of the Council Findings, Conclusion and Decision for LU 09-171259 DM, the Dirty Duck case.