



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Date: March 16, 2009
To: Interested Person
From: Dave Skilton, Land Use Services
503-823-0660 / dave.skilton@ci.portland.or.us

**NOTICE OF A TYPE II DECISION ON A PROPOSAL IN
YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 09-106579 HDZ – WINDOW
REPLACEMENT**

GENERAL INFORMATION

Applicant: Housing Authority Of Portland, Owner
135 SW Ash Street
Portland, OR 97204

Representative: Leslie Crehan, Project Manager (503-802-8463)
Housing Authority of Portland
135 SW Ash Street
Portland, OR 97204

Site Address: 1969 NW JOHNSON STREET

Legal Description: W 10' OF LOT 9 BLOCK 270 LOT 12&13 BLOCK 270 LOT 17&18
BLOCK 270, COUCHS ADD

Tax Account No.: R180225790

State ID No.: 1N1E33AC 10700

Quarter Section: 2928

Neighborhood: Northwest District, contact John Bradley at 503-313-7574

Business District: Nob Hill, contact Kay Wolfe at 503-227-0898

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212

Plan District: Northwest District

Other Designations: Non-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: HDZ, Historic Design Review

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

Proposal:

The applicant is proposing replacement of all the existing aluminum framed, horizontal sliding windows with tan-colored, vinyl framed, insulated, horizontal sliding windows on a non-contributing six story apartment building. Historic Design Review is required because the property is within the Alhabet Historic District, listed in the National Register of Historic Places on November 16, 2000.

Relevant Approval Criteria:

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

- | | |
|---------------------------------|---------------------------------------|
| ■ 33.846 Historic Design Review | ■ Alhabet Historic District Community |
| ■ Community Design Guidelines | Design Guidelines Addendum |

ANALYSIS

Site and Vicinity: The site is a 21,000 square foot lot at the corner of NW Johnson and NW 20th Avenue, in the Alhabet Historic District. The site is developed with a noncontributing 6-story apartment structure that has a total of 92 units. The apartment building was constructed in 1963 and has six parking spaces within the ground floor of the building, as well as some common functions such as an office and mail area. The front of the lot along NW Johnson is developed with a surface parking lot with 12 spaces, and pedestrians must cross the parking area to reach the building. The building is surrounded primarily by historic single-family or multi-family residential buildings.

Zoning: The High-Density Residential (RH) zone is a high-density multi-dwelling residential zone. Certain retail sales and service and office uses are allowed as conditional uses to provide mixed-use development on larger sites that are close to light rail transit facilities. The maximum residential density is limited to a FAR of 2:1 on this site, and the minimum density is one unit per 1,000 square feet of site area. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development, 3,000 square feet for development with detached houses, 800 square feet for development with attached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

Land Use History: City records indicate two prior land use reviews for this site:

- LU 02-147732 approved a new 6-story glazed exterior elevator shaft and two new areas of landscaping.
- LU 04-011671 approved several new awnings for the existing building.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 18, 2009**. The following Bureaus have responded with no issues or concerns:

- Bureau of Development Services, Life Safety Review
- Water Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 18, 2009. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA**Purpose of Historic Design Review**

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

Historic Design Review Approval Criteria

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

Findings: The site is a designated Historic Landmark. Therefore the proposal requires historic design review approval. Because the site is located within the Alphabet Historic District, the relevant approval criteria include the Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum [33.846.060 E.1.c].

Historic Alphabet District - Community Design Guidelines Addendum

These guidelines were adopted on September 5, 2000 and were developed to work with the Community Design Guidelines to provide a set of guidelines specific to the district.

Community Design Guidelines

These guidelines provide the constitutional framework for all design review areas outside the Central City that are not covered by their own specific area design guidelines. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other transportation systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

Staff has considered all guidelines and only has addressed those considered applicable to this proposal. Historic Alphabet District Guidelines and Community Design Guidelines are addressed concurrently.

Historic Alphabet District Approval Criteria

3. Hierarchy of Compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a historic or conservation district, with the rest of the District. Where practical, compatibility will be pursued on all three levels. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

Findings: The proposed alteration, replacement of existing, horizontally sliding, aluminum-framed windows with vinyl framed windows of similar configuration and profile, is compatible with the resource because the visual characteristics of the building will remain virtually unchanged. The relationship with nearby structures, which are mostly historic apartment buildings of similar massing and form, will likewise remain essentially unaltered after the windows are changed.

The subject building is classed as a non-contributing resource in the Alphabet Historic District by virtue of its age, a designation which, without judgement as to architectural merit, deems the property to be out of character with its historic surroundings. This means that the building is *ipso facto* incompatible with the historic district. Changing the windows to new units with similar characteristics, however, will do nothing to make the building more or less compatible in terms of the historic district.

This guideline is therefore met.

Community Design Guidelines

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

Findings: The proposed new windows will substantially replicate the configuration and operational characteristics of the windows they are replacing, i.e. horizontally sliding units with a relatively narrow frame. This approach respects the original architectural design of the building by minimally effecting its visual character.

This Guideline is therefore met.

DEVELOPMENT STANDARDS

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

CONCLUSIONS

Because the replacement window units are very like the existing ones in appearance, the straightforward exchange for purposes of energy conservation will have a negligible effect on the historic character of its surroundings. This proposal therefore meets the guidelines and merits approval.

ADMINISTRATIVE DECISION

Approval of replacement of all the existing aluminum framed, horizontal sliding windows with tan-colored, vinyl framed, insulated, horizontal sliding windows, per the approved drawings Exhibits C-1 through C-3, signed and dated March 12, 2009, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-106579 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on March 12, 2009.**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 16, 2009

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

Procedural Information. The application for this land use review was submitted on February 4, 2009, and was determined to be complete on February 11, 2009.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 4, 2009.

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

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

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

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

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

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on March 30, 2009** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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

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

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **March 31, 2009 – (the day following the last day to appeal)**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

For further information on recording, please call the County Recorder at 503-988-3034

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

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

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

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

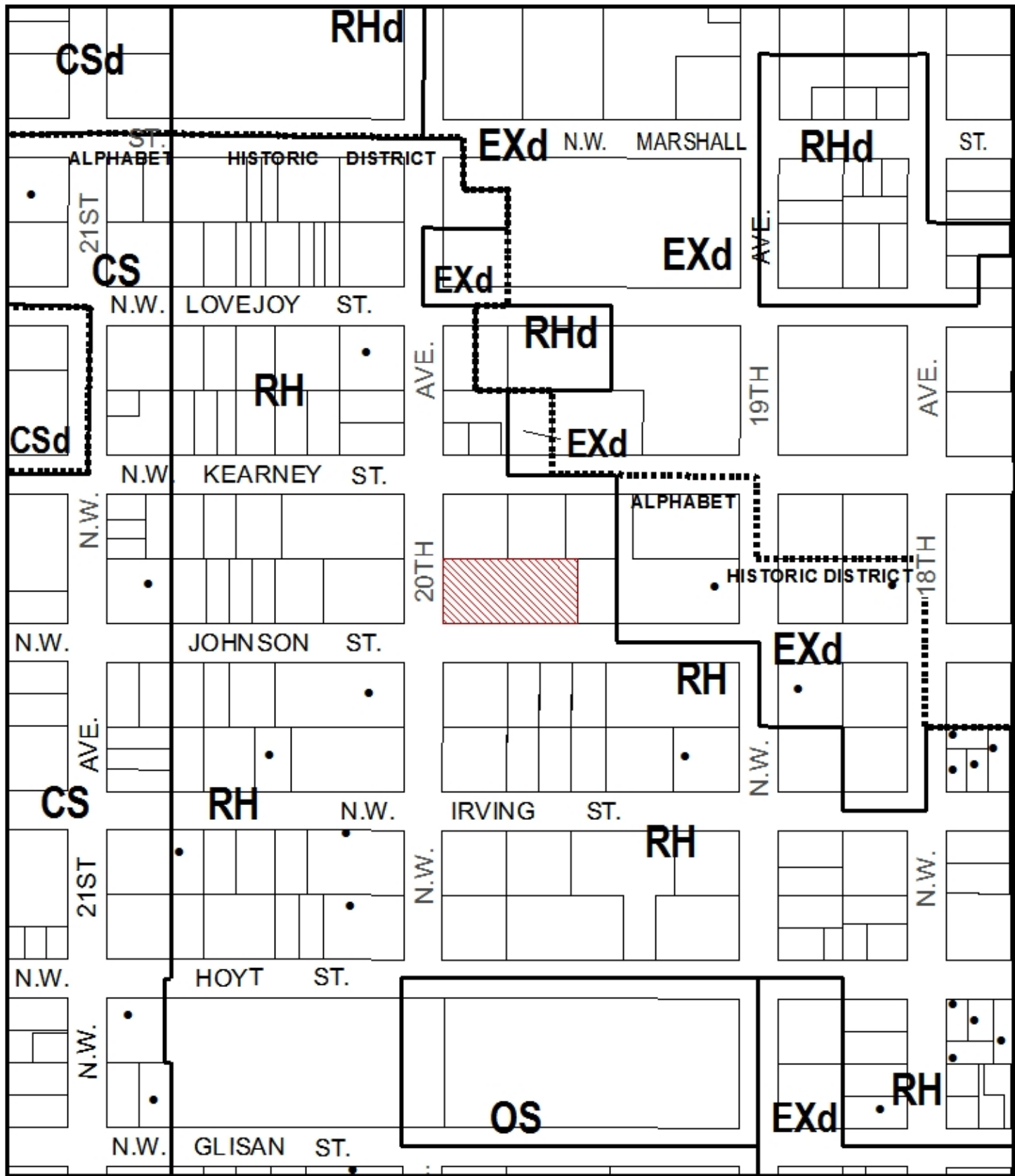
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. South, East, and West Elevations (attached)
 - 3. North Elevation and Window Details (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Life/Safety Review Section of BDS
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research
 - 3. Case Communication Log

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



Historic Landmark



NORTH

This site lies within the:
ALPHABET HISTORIC DISTRICT HISTORIC DISTRICT
NORTHWEST PLAN DISTRICT

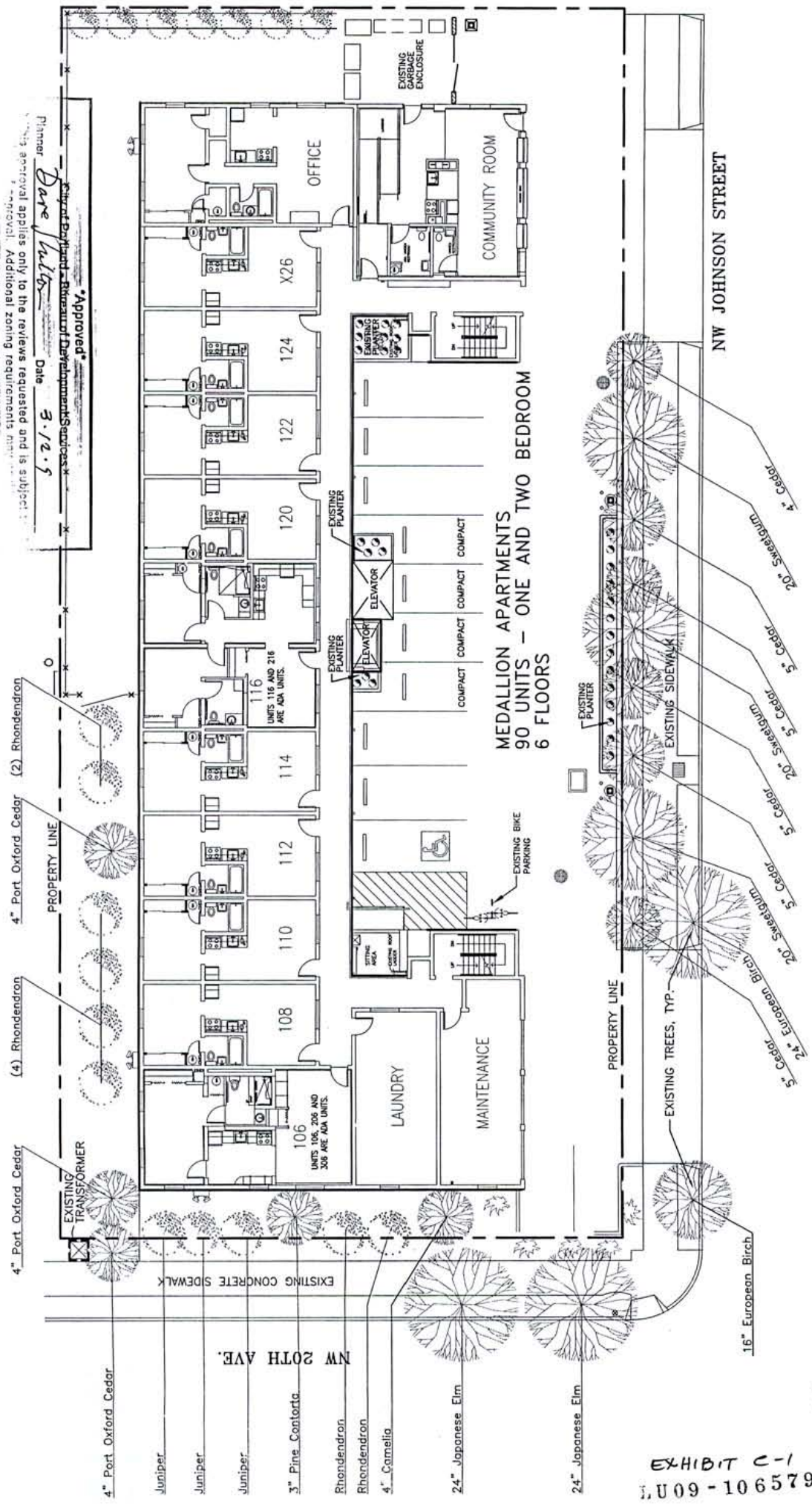
File No. LU 09-106579 HDZ

1/4 Section 2928

Scale 1 inch = 200 feet

State_Id 1N1E33AC 10700

Exhibit B (Feb 09,2009)

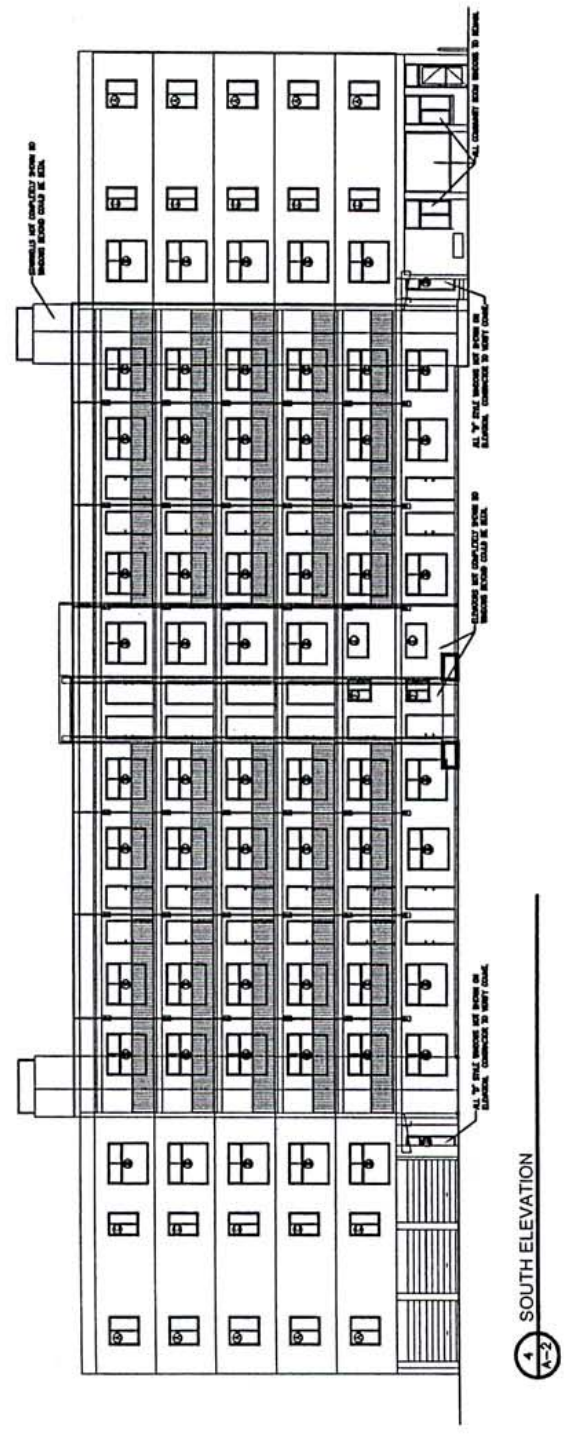
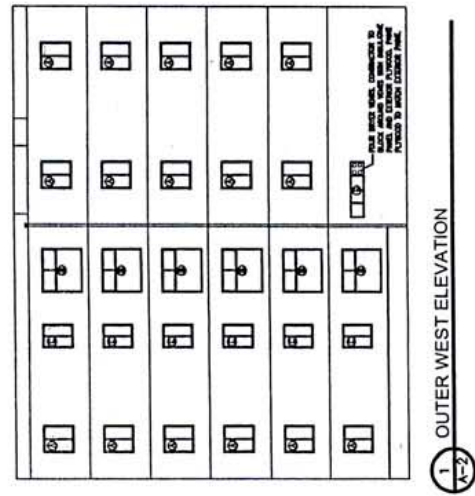
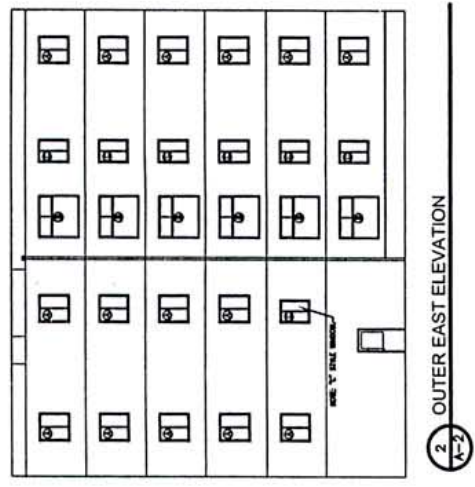
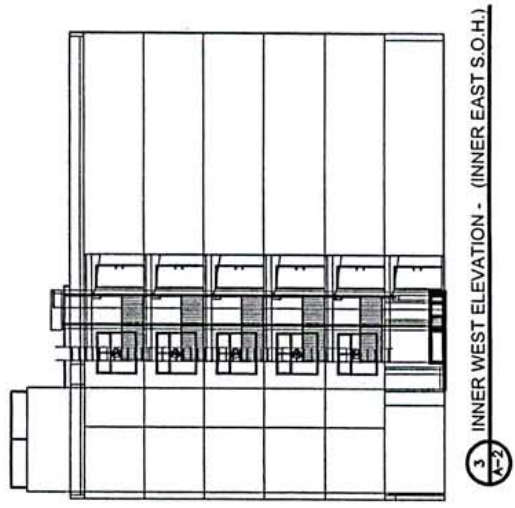


Approved
 City of Portland - Bureau of Development Services
 Planner *Dave Hulbe*
 Date *3.12.9*
 This approval applies only to the reviews requested and is subject to future review. Additional zoning requirements may apply.

EXISTING SITE PLAN - MEDALLION APARTMENTS 1969 NW JOHNSON

SCALE: 1" = 16'-0"

EXHIBIT C-1
 LU09-106579-HD2



Approved
City of Portland - Bureau of Development Services
Planner Dave Fulton Date 3-12-9
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXHIBIT C-2
LU09-106579HDZ

