



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

Dan Saltzman, Commissioner
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Date: April 18, 2016
To: Interested Person
From: Megan Sita Walker, Land Use Services
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision.

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

CASE FILE NUMBER: LU 16-115663 HR – BURRELL HEIGHTS APARTMENTS HANDRAIL

GENERAL INFORMATION

Applicant: Steve Wright, Applicant / American Property Management
2510 NE Multnomah Blvd
Portland, OR 97232

Joseph E Weston, Owner
2154 NE Broadway Rm. 200
Portland, OR 97232

Site Address: 2903-2919 SE CLAY ST

Legal Description: BLOCK 1 S 120.3' OF LOT 4-6 LAND ONLY SEE R124890 (R122400061) FOR IMPS, BURRELL HTS; BLOCK 1 S 120.3' OF LOT 4-6 IMPS ONLY SEE R124889 (R122400060) FOR LAND, BURRELL HTS

Tax Account No.: R122400060, R122400061
State ID No.: 1S1E01CA 06400, 1S1E01CA 06400A1
Quarter Section: 3233

Neighborhood: Richmond, contact Douglas Klotz at 503-233-9161.
Business District: Hawthorne Blvd. Bus. Assoc., contact Hilda Stevens at 503-774-2832.
District Coalition: Southeast Uplift, contact Anne Dufay at 503-232-0010.

Plan District: None
Other Designations: Historic Landmark

Zoning: R5 – Residential 5,000
Case Type: HR – Historic Resource Review

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant requests historic resource review approval for exterior alterations to the historic Burrell Heights Apartment, a registered Historic Landmark located at 2903-2919 SE Clay Street. The alterations proposed include the replacement of an existing railing on an existing wooden exit stair at the rear of the property. The proposed handrail will replace an existing non-original handrail that does not currently meet the Oregon Specialty Code and must be brought into conformance as a part of a current Housing case (15-261410 HS).

Historic resource review is required because the proposal is for non-exempt exterior alteration of a Historic Landmark.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code. The relevant approval criteria are:

- 33.846.060.G *Other approval criteria*

ANALYSIS

Site and Vicinity: The Burrell Heights Apartment building was constructed in 1928 and is a Historic Landmark, registered with the National Register of Historic Places on February 21, 1997. The twelve unit building occupies a 14,000 square foot lot at the NE corner of SE Clay and 29th Avenue in southeast Portland. It was constructed in 1928 from plans by E.T. Pape for Robert S. McFarland. The building is roughly L-shaped in plan and represents a distinctive type of multi-unit housing on Portland's east side in that it was the first complex to be entirely composed of two-story townhouses. There is a grade separation from parking strip to stoop, and considerable variation in the floor plans of the twelve units. Each unit has independent front and rear entrances. Front entries are contained in projecting sections, which allowed them to be oriented discreetly at a right angle to the streetfront, as opposed to facing public view directly.

The subject property is located less than one block south of SE Hawthorne Boulevard, a Community Main Street and a Major Transit Priority Street, is a primary east-west traffic artery and commercial in nature. This block contains four other multi-family structures and two commercial properties that front onto SE Hawthorne. To the west, across SE 29th Avenue, there is another multi-family structure and a Safeway that fronts onto SE Hawthorne. Residential development in this neighborhood is dense, with mostly two-story single family homes. Much of the construction dates to the era of the Burrell Heights Apartment Building, though many of the single family houses are from the decade earlier and many of the apartment buildings are from the 1940's and later.

Zoning: The site is zoned (R5), Single-dwelling Residential, with a Comprehensive Plan Map designation of R2.5. The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing. The R5 zone is a high density single-dwelling zone. The R5 zone allows attached and detached single-dwelling structures and duplexes and requires side and rear building setbacks of 5 feet.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **February 16, 2016**. No responses have been received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 16, 2016**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

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

Findings: The proposal is for non-exempt exterior alterations to a Historic Landmark. Therefore Historic Resource Review approval is required. The approval criteria are those listed in 33.846.060 G – *Other Approval Criteria*.

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

33.846.060 G - Other Approval Criteria

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

Findings for 1, 2, 3, 4, 5, and 9: Alterations to the historic materials, features, or spaces that contribute to the historic significance of the Burrell Heights Apartments are limited. All proposed work will take place at the rear of the property, tucked into a return in the existing L-shaped building, fronting onto to a parking lot. The proposed cedar handrails will replace an existing non-original handrail that does not currently meet the Oregon Specialty Code and must be brought into conformance as a part of a current Housing case (15-261410 HS). While the southernmost railing will not impact historic material, the northernmost railing will be attached to the exterior wall of the building. The applicant proposed to use three ½" x 6" wedge anchors to fix the handrail to the exterior wall. In order to limit the impact of the proposed handrails on the resource, these anchor points will occur at mortar joints only. *With the condition of approval that all penetrations are to occur at mortar joints only, and will not be anchored directly into the existing brick, these criteria are met.*

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

- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with

disabilities, design solutions will not compromise the architectural integrity of the historic resource.

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

Findings for 7, 8, and 10: The proposed alterations to replace an existing handrail on existing exit stairs on the Burrell Heights Apartments with new cedar handrails will not compromise the architectural integrity of the resource. The new work will be differentiated with the relatively contemporary products and materials proposed. The proposed handrails will allow this existing exit stair to meet current code requirements, while maintaining compatibility with the resource. *These criteria are met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The proposed alterations to replace infill plywood paneling with glazing on the north elevation, and with six new wood-framed half-light in-swinging doors on the east elevation, are architecturally compatible with the existing building.

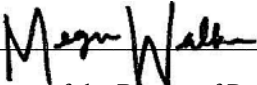
The purpose of the historic resource review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposal employs durable, architecturally compatible materials, respects the original character of the subject building, and allows it to remain a coherent composition. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to a landmark building to include new cedar handrails onto to an updated rear stair, per the approved site plans, Exhibits C-1 through C-2, signed and dated April 14, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 16-115663 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. All penetrations for anchor attachments are to occur at mortar joints only.
- C. No field changes allowed.

Staff Planner: Megan Sita Walker

Decision rendered by:  **on April 14, 2016.**

By authority of the Director of the Bureau of Development Services

Decision mailed April 18, 2016

Procedural Information. The application for this land use review was submitted on February 3, 2016, and was determined to be complete on February 9, 2016.

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 3, 2016.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: June 8, 2016.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

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

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **April 18, 2016**. 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 503-823-7617.

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

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

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

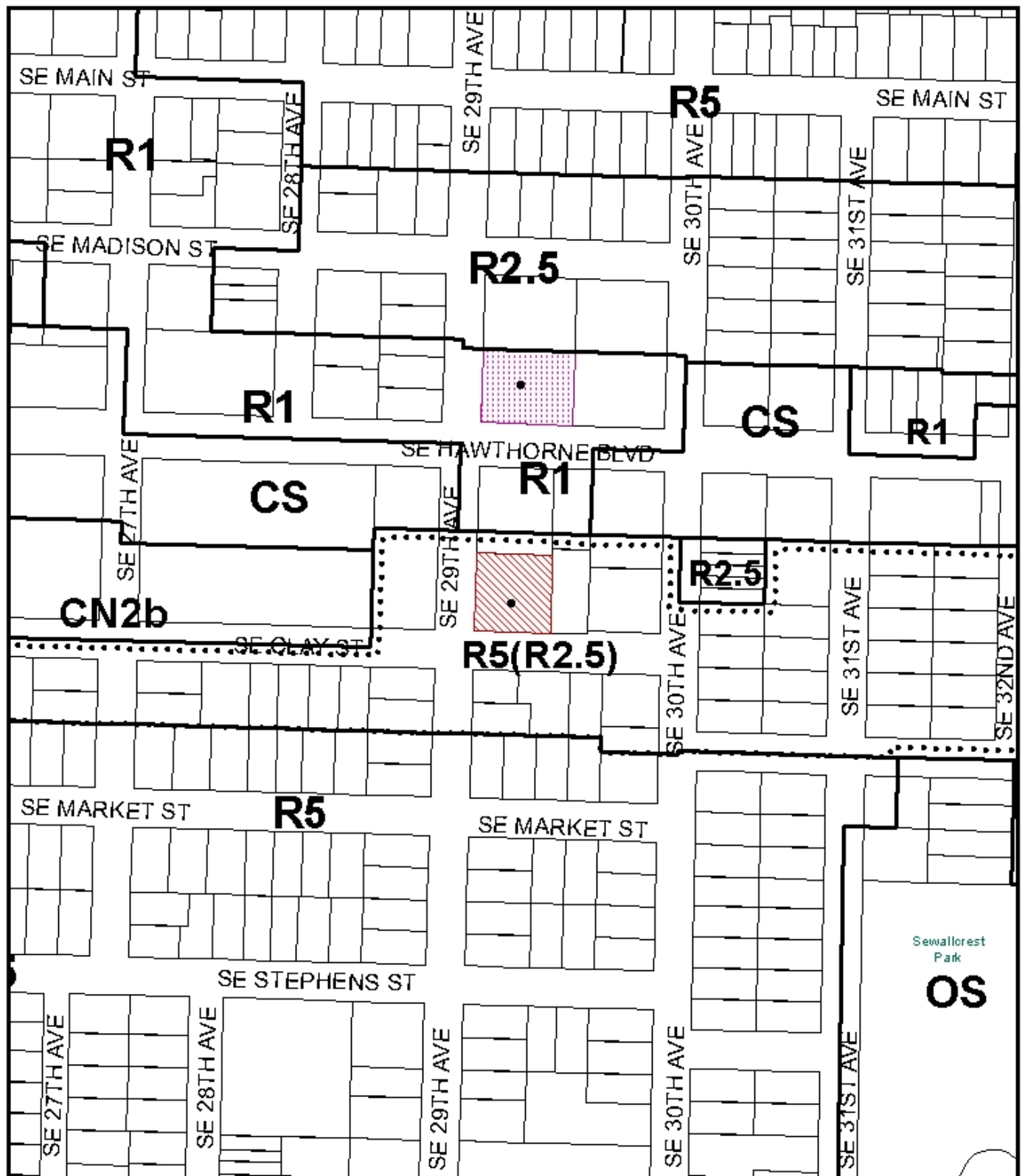
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Description
 - 2. Site Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Plans, Elevations, and Section (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No responses were received.
- G. Other:
 - 1. Original LU Application
 - 2. Oregon Historic Site Record

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



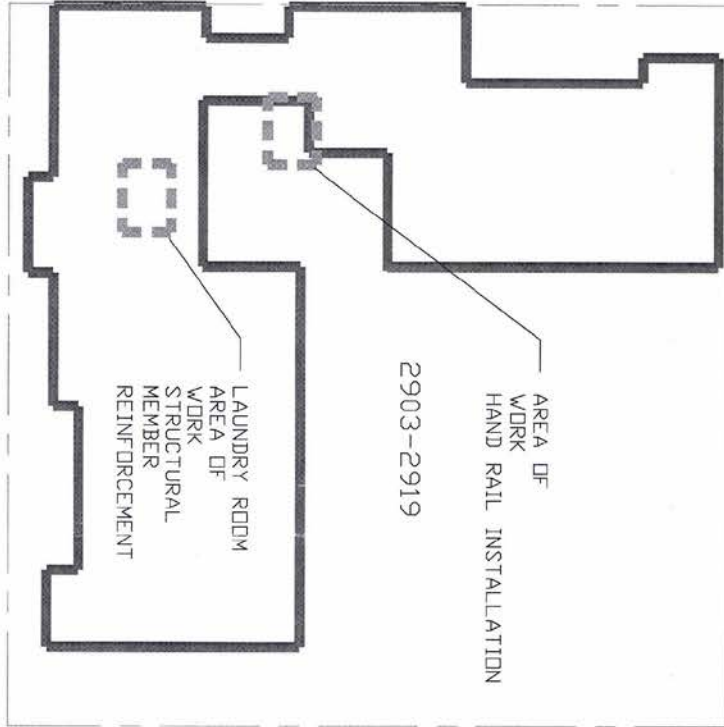
ZONING



- Site
- Also Owned Parcels
- Historic Landmark

File No. LU 16-115663 HR
 1/4 Section 3233
 Scale 1 inch = 200 feet
 State_Id 1S1E01CA 6400
 Exhibit B (Feb 04, 2016)

S.E. 29TH AVE.



S.E. CLAY ST.



SITE PLAN

*APPROVED PER
CONDITIONS B-C

Approved	
City of Portland	
Bureau of Development Services	
Planner	<i>PT-166</i>
Date	04.14.16
* This approval applies only to the revisions requested and is subject to all conditions of approval. Additional zoning rules/conditions may apply.	

LV 16-115663 HR

EXH C-1

PROJECT: BURRELL HEIGHTS

2919 S.E. CLAY ST.
PORTLAND, OREGON 97230

DRAWN BY: CLT

DATE: 1-11-16

SCALE: NONE

FILE NO: 16-115663

REVISIONS:

1

SHEET

1 OF 2



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