



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

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[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** March 30, 2009  
**To:** Interested Person  
**From:** Staci Monroe, Land Use Services  
503-823-7870 / [Staci.Monroe@ci.portland.or.us](mailto:Staci.Monroe@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 09-108231 HDZ – HISTORIC DESIGN REVIEW FOR WINDOW INFILL**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Bill Gaffney (503) 310-6775  
Gafco Properties  
14511 Westlake Dr #225  
Lake Oswego OR 97035

**Site Address:** 2164 NW HOYT STREET

**Legal Description:** TL 7200 LOT 11&14 BLOCK 18, KINGS 2ND ADD  
**Tax Account No.:** R452303110  
**State ID No.:** 1N1E33BD 07200  
**Quarter Section:** 2927  
**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  
**Other Designations:** Historic Alphabet District  
**Zoning:** RH – High Density Residential zone  
**Case Type:** HDZ – Historic Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

#### **Proposal:**

The applicant seeks Historic Design Review to infill a window on the rear façade of an apartment building with brick. The proposal stems from a housing code violation (08-192261 HS) for a window that was removed and the opening covered with plywood. Since there is a wall that ends perpendicular to the window, infilling the opening with brick is a solution that meets the insulation requirements of the Building Code. The brick will match the building's brick exterior and laid in a similar horizontal pattern. The brick infill will be flush with the exterior wall and painted to match the off-white building color.

Exterior alterations to existing development within an Historic District (Alphabet) requires Historic Design Review.

**Relevant Approval Criteria:**

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

- Community Design Guidelines
- Historic Alphabet District Community Design Guideline Addendum

**ANALYSIS**

**Site and Vicinity:** The subject site is located on the south side NW Hoyt Street between NW 21<sup>st</sup> and NW 22<sup>nd</sup> Avenues within the Historic Alphabet District. The 8,000 square foot lot is developed with a 3-story apartment building with a full basement. The remainder of the property is landscaped with parking provided off site. The surrounding neighborhood to the north and south is also high density residential and developed with mostly apartment buildings and single dwelling homes. To the east and west of the site along NW 23<sup>rd</sup> and NW 21<sup>st</sup> Avenues are commercial corridors lined with storefront retail businesses.

**Zoning:** The 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.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region’s heritage. Historic preservation beautifies the city, promotes the city’s economic health, and helps to preserve and enhance the value of historic properties.

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

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed February 26, 2009. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Transportation Engineering
- Bureau of Parks-Forestry Division
- Plan Review Section of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 26, 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**

**Chapter 33.846, Historic Reviews**  
**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 located within the Alphabet Historic District. Therefore the proposal requires Historic Design Review approval. The applicable design guidelines are 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**

**1. Historic Changes.** Most properties change over time; those changes that have acquired historic significance will be preserved.

**Findings:** The removal of the original window and plywood infill occurred some time between the 1990's and the present. These changes have not acquired any historic significance and therefore are not required to be preserved. *This guideline is therefore met.*

**2. Differentiate New from Old.** New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.

**Findings:** The original wood window that was removed cannot be replaced due to the interior conditions of the living space (a wall that ends perpendicular to the window). The replacement brick infill is a reasonable replacement material as it will match the existing brick exterior of the building. The infill will be clearly differentiated in that the soldier course above the window opening will remain, as will the concrete sill, and clearly demarcate the original opening so that it is preserved as an element of the façade. The infill brick and flush installation will ensure the change is compatible with the building's exterior. *This guideline is therefore met.*

**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 new brick infill will match the existing brick and therefore be compatible

with the contributing resource. It's location on the rear of the building ensures the prominent and primary façade of the building is maintained. The brick material is the dominant building material found on the adjacent and surrounding apartments and commercial buildings as well as throughout the Historic Alphabet District. *This guideline is therefore met.*

### **Community Design Guidelines**

**P1. Plan Area Character.** Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

**P2. Historic and Conservation Districts.** Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

**Findings:** The window infill does not occur on the primary face of the building. It is located at the rear which faces another apartment building within very close proximity. The rear location ensures the prominent façade that contributes to the resource's significance within the Historic Alphabet District is preserved. *This guideline is therefore met.*

**D5. Crime Prevention.** Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

**Findings:** The rear façade of this building contains numerous transparent windows and doors that serve to provide a visual connection between the interior of the units and the outside space reducing the likelihood of crime in this area of the site. *This guideline is therefore met.*

**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 integrity of the resource is being maintained with the material proposed and the method of installation. The original window opening will be preserved and clearly demarcated with the overhead arched soldier course and concrete sill that are to remain. The brick used for the infill will match that on the existing building and be installed flush with the exterior brick wall. The brick infill will be painted to match the off-white building color. These measures ensure the alteration is compatible with the character of the building. *This guideline is therefore met.*

**D8. Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

**Findings:** Brick is a durable, long-lasting material as is evident by the existing building's exterior. Using a material that matches the existing building results in a cohesive composition throughout the structure. *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

The purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The window infill with brick complements the existing building material and retains the original window opening which preserves this feature on this contributing resource. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of a window infill on the rear facade of an existing apartment building in the Historic Alphabet District.

Per the approved site plans, Exhibits C-1 through C-4, signed and dated 3/26/09, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-108231 HDZ. No field changes allowed."

Decision rendered by:  on March 26, 2009  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 30, 2009**

**Staff Planner: Staci Monroe**

**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 12, 2009, and was determined to be complete on **February 24, 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 12, 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 April 13, 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](http://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 **April 14, 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:

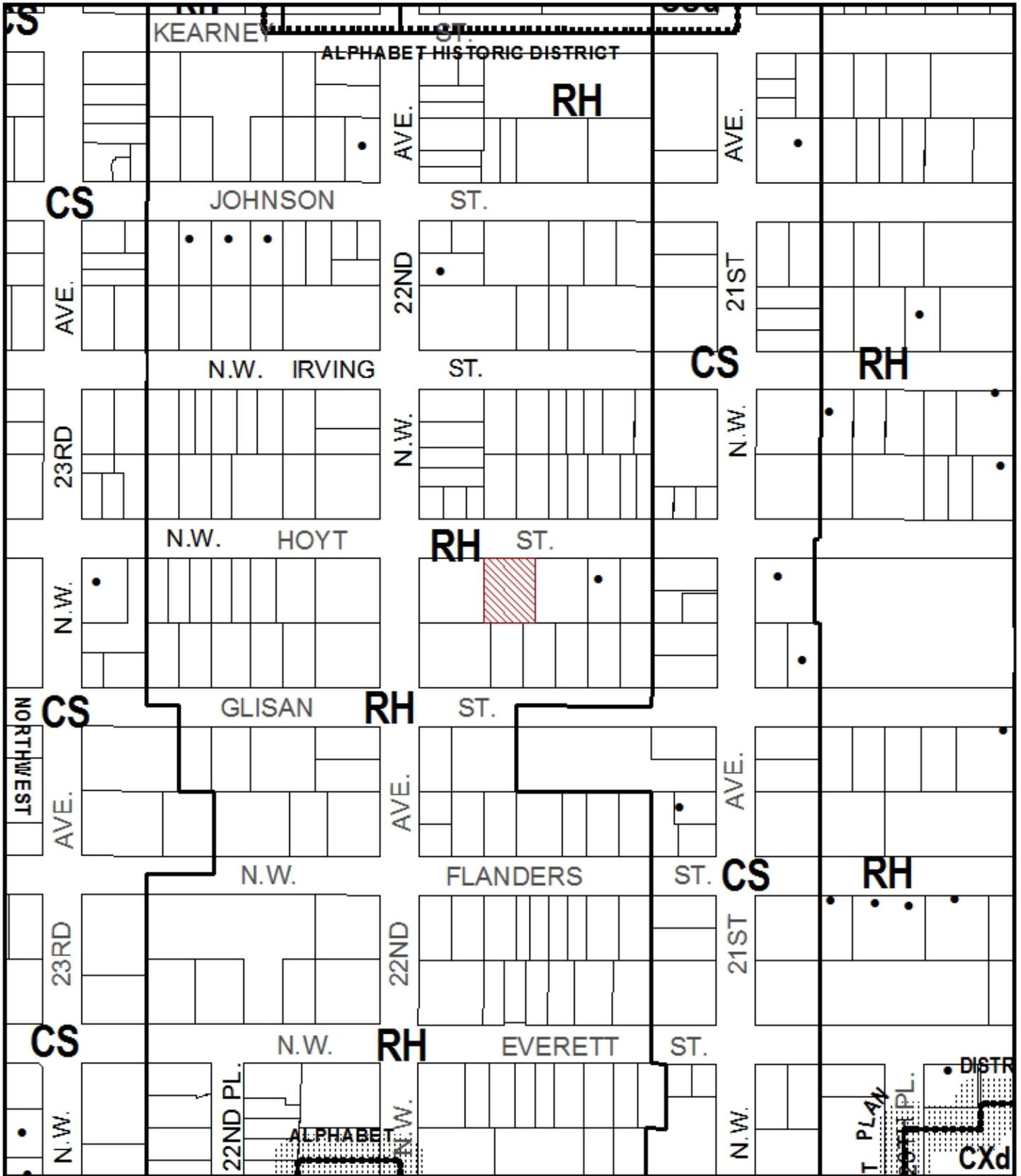
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement: none
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. South Elevation (attached)
  - 3. Enlarged Window Detail (attached)
  - 4. Photos
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application
  - 2. Housing Violation Letter and photos

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



# ZONING

 Site

 Historic Landmark

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



File No. LU 09-108231 HDZ  
 1/4 Section 2927  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E33BD 7200  
 Exhibit B (Feb 13,2009)



NW HOYT STREET

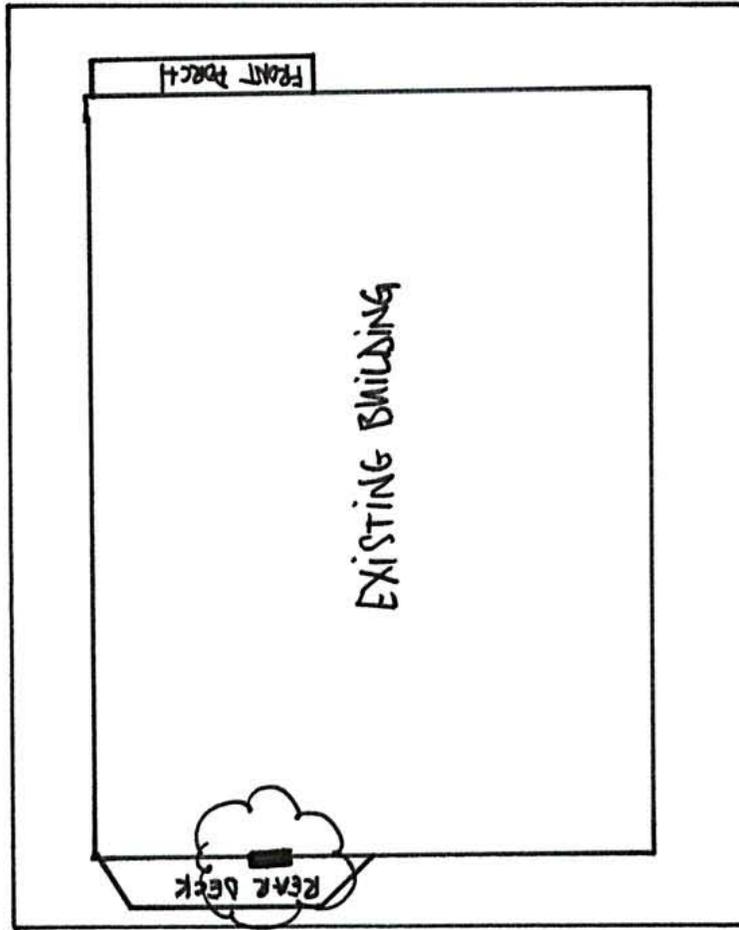
\*Approved\*

City of Portland - Bureau of Development Services

Planner: Saman Date: 3/26/09

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

100'-0"



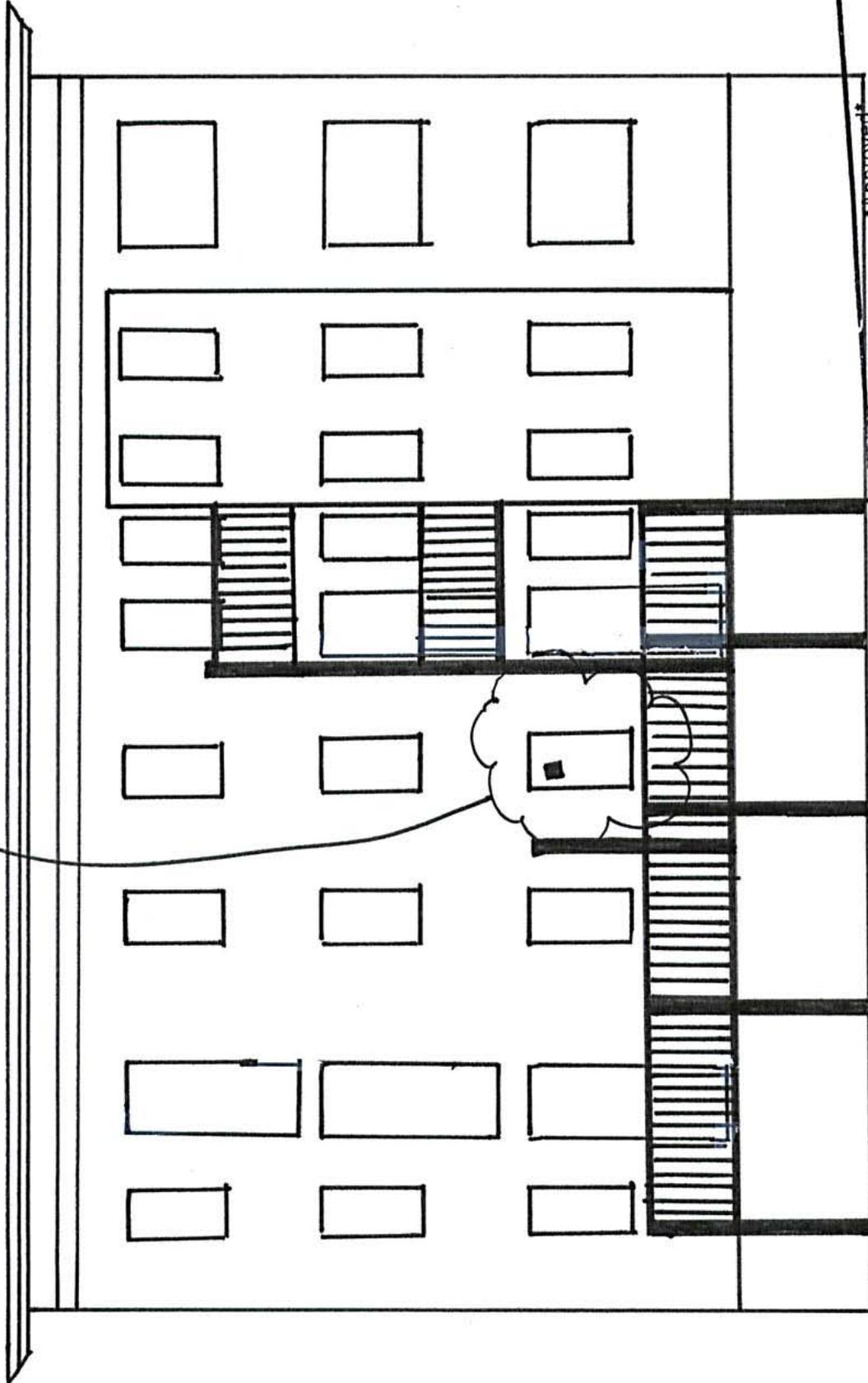
AREA OF WORK

SITE PLAN

SCALE 1" = 20'

LU 09-108231 HDZ  
EX. C-1

WINDOW TO BE  
INFILLED WITH  
BRICK



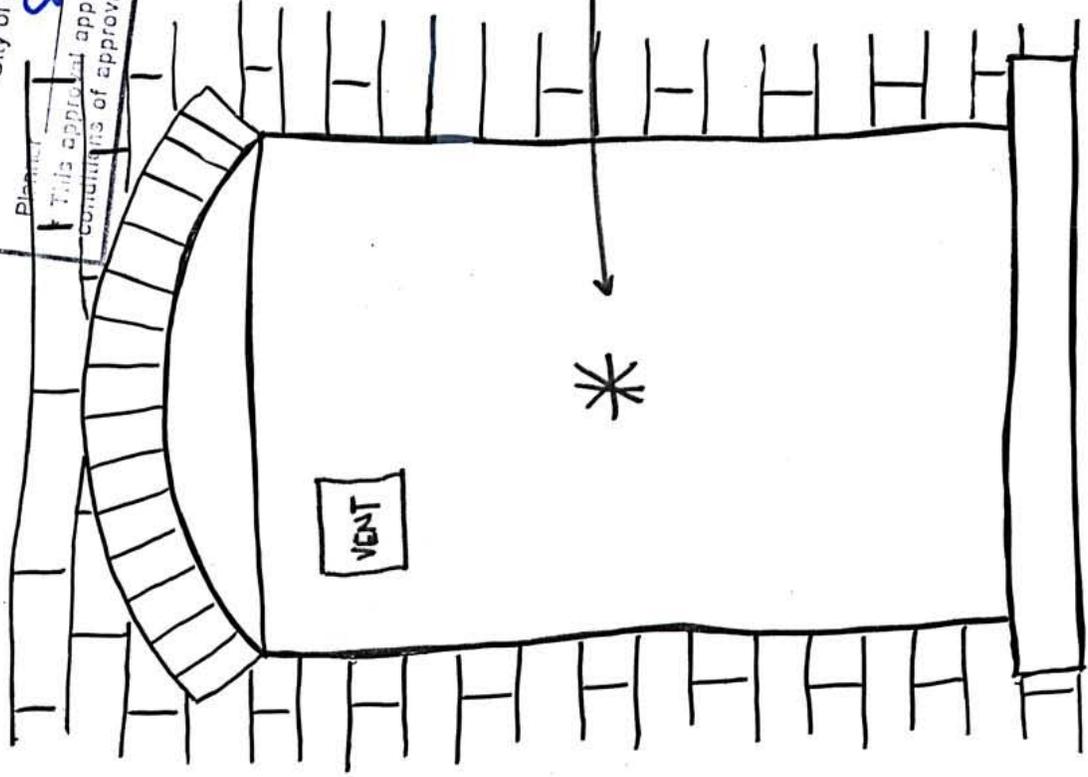
Approved  
City of Portland - Bureau of Development Services  
Date 3/26/07  
Planner S.M.A.  
\* This plan includes only the reviews requested and is subject to additional zoning requirements may apply.

(REAR) SOUTH ELEVATION

N.T.S.

LU 09-108231 HDZ  
EX. C-2

City of Portland - Bureau of Development Services  
 Approved\*  
 Planner: Silman  
 Date: 3/26/09  
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



- REMOVE (E) PLYWOOD
- INFILL WITH BRICK TO MATCH (E) BRICK DIMENSIONS
- FLUSH WITH EXTERIOR WALL
- PAINT TO MATCH BLDG.

• VENT TO REMAIN & FLUSH MOUNTED TO SURFACE OF BRICK.

(E) WINDOW OPENING TO BE INFILLED WITH BRICK