



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: December 10, 2012
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@portlandoregon.gov

NOTICE OF A TYPE I 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 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 it to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 12-201757 HDZ SEISMIC STRENGTHENING
GENERAL INFORMATION

Applicant: Brandon Brown
1409 NE 17th Avenue / Portland, OR 97232

Owner: Timothy Brown
112 West 11th Street #100 / Vancouver, WA 98660

Representative: Rahim Abbasi 503-816-9466 / Abbasi Design Works
1400 NW Irving Street #417 / Portland, OR 97209

Site Address: 3037-3041 N Williams Avenue

Legal Description: BLOCK 1 LOT 1, WILLIAMS AVE ADD
Tax Account No.: R916400010
State ID No.: 1N1E27AB 13600
Quarter Section: 2730
Neighborhood: Eliot, contact Mike Warwick at 503-284-7010.
Business District: North-Northeast Business Assoc, Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, Chris Lopez at 503-823-4575.
Plan District: Albina Community
Other Designations: Contributing Resource in the Eliot Conservation District and Portland Historic Landmark pursuant to Historic Landmark Commission designation on December 12, 2007

Zoning: RXd, Central Residential with Historic Resource Protection and Design Overlay zonings.

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

Proposal:
The applicant is seeking Historic Design Review approval for a proposal to strengthen the building structurally, resulting in washers and bolt heads visible in a regular pattern on the

exterior of three masonry walls. Historic Design Review is required because the proposal is for non-exempt exterior alteration of a designated Historic Landmark.

Relevant Approval Criteria:

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

- Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject property, now called the Rinehart Building after an early owner, is a two story brick masonry structure, with storefronts on the ground floor and apartments above. It was built on speculation in 1914 by the firm of Brooks & Downing, and displays the characteristics of typical neighborhood Commercial Style structures of its era. It is significant as one of the last of its type on N Williams Avenue, which was once a thriving commercial street along an early streetcar line. The building housed many retail tenants on the ground floor over time, with the most significant being Cleo's Tavern, starting in 1953, and its several successors, culminating in the Cleo-Lillian Social Club, which began formally in 1968 and occupied the entire ground floor from 1974 to 2001. The club provided a venue for many organizational meetings in the African-American community and offered entertainment in the form of jazz music, booking in many top-name acts from around the country. The building is therefore also recognized for its significance in the history of Portland's African American community during the mid-to-late Twentieth Century.

Zoning: The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The RX zone is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of new housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

The Historic Resource Protection chapter 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 Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The Design Overlay Zone also promotes quality high-density development adjacent to transit facilities. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Land Use History: City records indicate there are one prior land use reviews for this site.

- LU 07-165448 HL, designating the property as a Portland Historic Landmark.
- LU 11-146657 HDZ, approving restoration of the building facades.

Public Notice: A “Notice of Proposal in Your Neighborhood” was mailed **November 9, 2012**.

Agency Review: None of the notified Bureaus has responded with issues or concerns.

Neighborhood Review: One written response has been received from either the Neighborhood Association or notified individuals in response to the proposal.

- Mark Warwick, Chair of the Eliot Neighborhood Association Land Use Committee, wrote on November 21, 2012, with no objections to the proposal and expressing support for the rehabilitation of the building.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Design Review

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 Eliot Conservation District and the proposal is for a non-exempt exterior alteration. Therefore Historic Design Review approval is required. The approval criteria are the *Community Design Guidelines*.

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

Community Design Guidelines

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.

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 for P2 and D6: The subject property is both a locally designated Historic Landmark and located within the Elliott Conservation District. The proposed treatment, seismic strengthening, employs a traditional method of tying the wall and roof structure together with tension rods. Where the rods penetrate to the exterior of the masonry walls they are held in place by circular metal plates on the affected street-facing facade, and with more utilitarian square plates on the secondary facades. The proposal takes care to align the plates horizontally and to space them as regularly as possible, respecting the historic character of the building. The result is a building which will be better able to withstand an earthquake, better protecting the lives of residents. *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

In conjunction with an earlier restoration proposal, this seismic reinforcement effort will help to give new life to a building especially important in the history of Portland's African American community. The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of externally visible seismic strengthening elements on the Historic Landmark Rinehart Building in the Eliot Conservation District;

Approval is per Exhibits C-1 through C-4, signed and dated December 6, 2012 subject to the following condition:

- 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-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-201757 HDZ."

Staff Planner: Dave Skilton

Decision rendered by:  **on December 6, 2012.**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 10, 2012

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 November 2, 2012, and was determined to be complete on **November 7, 2012.**

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 November 2, 2012.

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.

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. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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 **December 11, 2012**.

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

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

For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

Applying for your permits. A building permit, occupancy permit, or development permit 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;

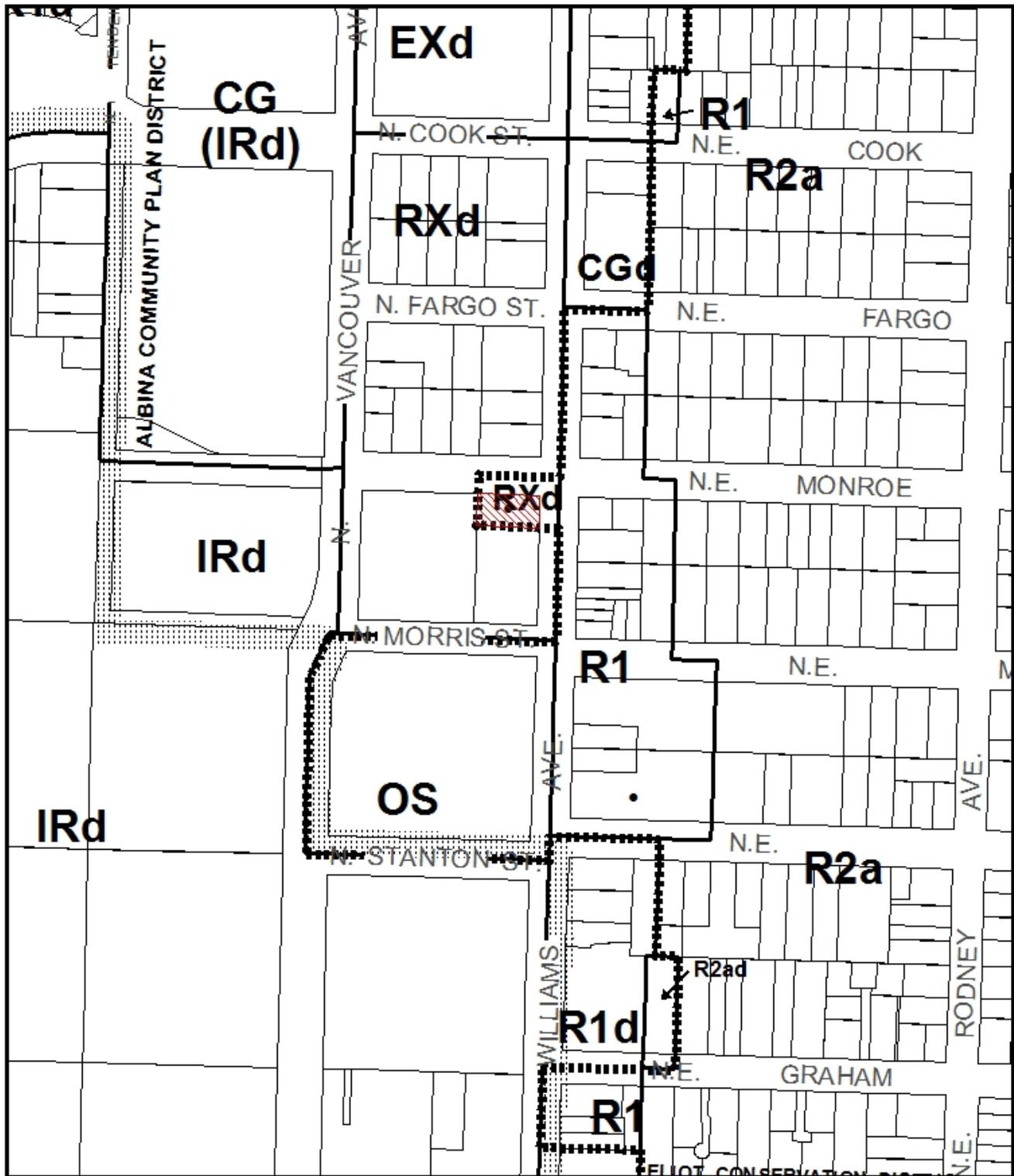
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement (none)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. North Elevation (attached)
 - 3. South Elevation
 - 4. West Elevation
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
- F. Correspondence:
 - 1. Mike Warwick, Chair of the Eliot Neighborhood Association Land Use Committee, wrote on November 21, 2012, with no objections to the proposal and expressing support for the rehabilitation of the building.
- G. Other:
 - 1. Original LU Application

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



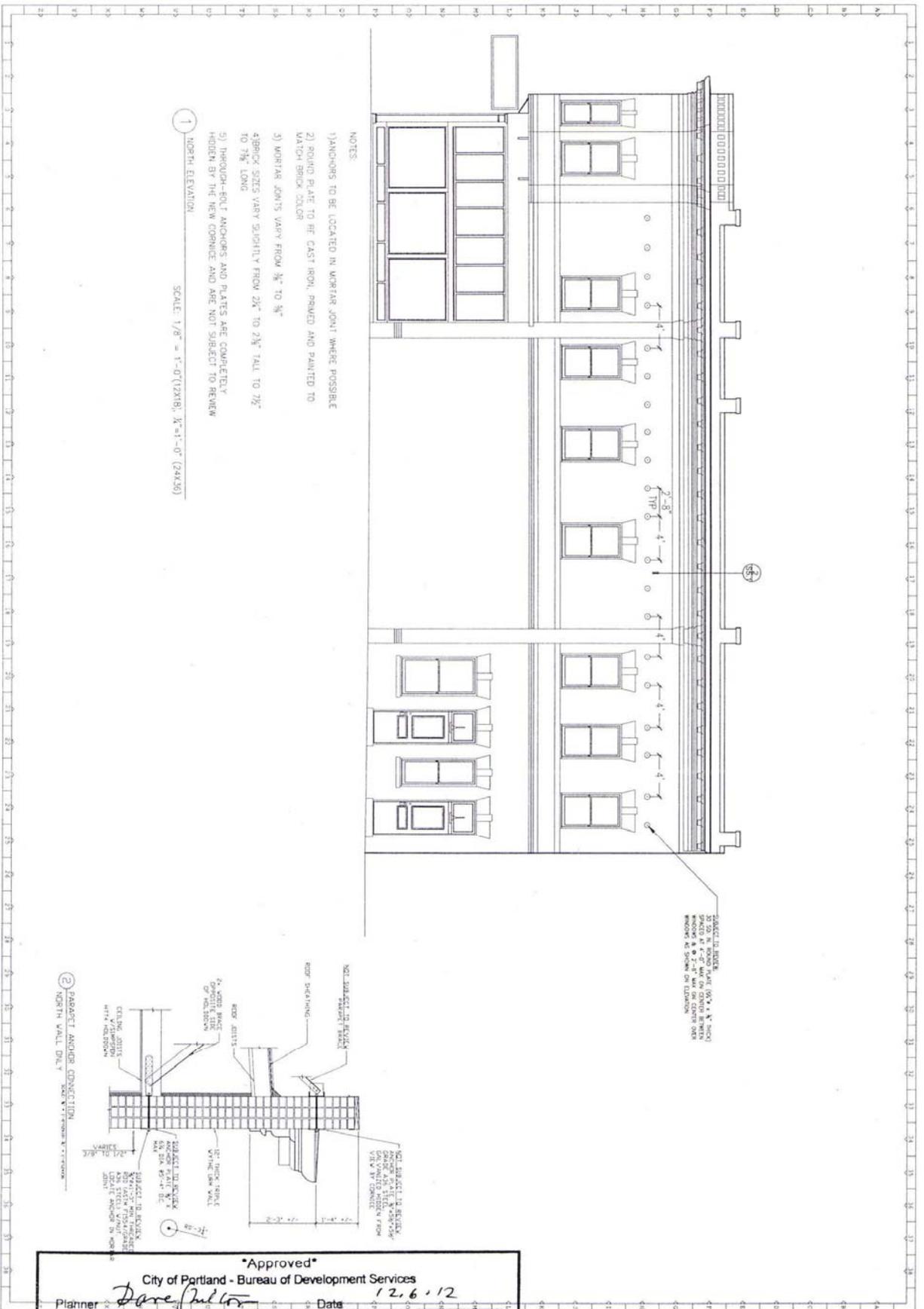
Historic Landmark



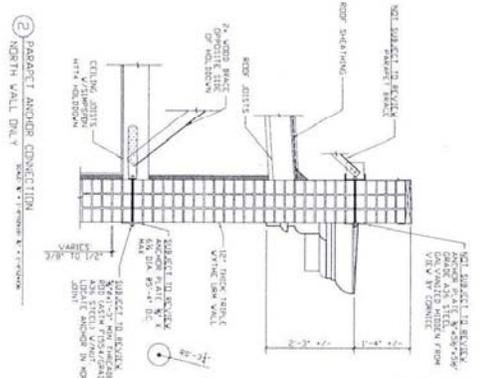
NORTH

This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

File No.	LU 12-201757 HDZ
1/4 Section	2730
Scale	1 inch = 200 feet
State Id	1N1E27AB 13600
Exhibit	B (Nov 05,2012)



- NOTES:
- 1) ANCHORS TO BE LOCATED IN MORTAR JOINT WHERE POSSIBLE
 - 2) ROUND PLATE TO BE CAST IRON, PAINTED AND PAINTED TO MATCH BRICK COLOR
 - 3) MORTAR JOINTS VARY FROM 3/8" TO 5/8"
 - 4) BRICK SIZES VARY SLIGHTLY FROM 2 1/4" TO 2 3/4" TALL TO 7 1/2" TO 7 3/4" LONG
 - 5) THROUGH-BOLT ANCHORS AND PLATES ARE COMPLETELY HIDDEN BY THE NEW CORNICE AND ARE NOT SUBJECT TO REVIEW
- SCALE: 1/8" = 1'-0" (1/2X18), 1/4" = 1'-0" (24X36)



Approved

City of Portland - Bureau of Development Services

Planner *Doree Pulley* Date *12.6.12*

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

SHEET S3.1	DRAWING TITLE RINEHART BUILDING RENOVATION - 3046 N. WILLIAMS AVE WILLIAMS AVE ADD, BLOCK 1, LOT 1 PORTLAND, OREGON 97212	ADOR # 11016.01	HISTORIC REVIEW DATED 10/31/2012	REVISIONS DATE REVISIONS		abbas design works 917 sw oak st suite 322 portland oregon 97205 www.abbasdesign.com tel-503.816.9466
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C-2