



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

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Date: December 16, 2008
To: Interested Person
From: Dave Skilton, Land Use Services
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**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 08-177210 HDZ – ROOF ACCESS
PENTHOUSE REPLACEMENT**

GENERAL INFORMATION

Applicant: Marquam Manor Apartments LLC, Owner
2038 SW Main Street
Portland, OR 97205

KBC Management, Property Manager
2107 NW 23rd Avenue
Portland, OR 97210

Representative: Bill Bunch, Contractor (503-515-9537)
Interstate Roofing
15065 SW 74th Ave
Portland, OR 97224

Site Address: 3211 SW 10th Avenue

Legal Description: Lot 3&4 Block 81, Portland City Hmstd
Tax Account No.: R668004850
State ID No.: 1S1E09AC 04200
Quarter Section: 3328

Neighborhood: Homestead, contact Anton Vetterlein at 503-790-0719.
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.

Designations: Historic Landmark, pursuant to listing in National Register of Historic Places on May 27 1993.
Zoning: CS, Storefront Commercial
Case Type: HDZ, Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant is seeking Historic Design Review for a proposal to replace a non-compliant rooftop access penthouse on the historic Marquam Manor Apartment Building, in the same location, with a slightly larger structure that will meet current emergency exiting code requirements. The new penthouse will feature a sloping roof above the topmost flight of stairs that will be 3'-11" taller than the parapet at its highest point. The proposed structure will abut the parapet at the rear of the building and be 17'-0" from the south side. The proposed exterior cladding is sheet metal panels painted white to match the color of the roof. The four-story apartment building is approximately 48' feet tall at the sidewalk and, owing to sloping topography, 36' tall at the rear. Historic Design Review is required because the building is a Historic Landmark, pursuant to listing in National Register of Historic Places on May 27 1993.

Relevant Approval Criteria:

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

- 33.846.060 Historic Design Review
- 33.846.060 G Other Approval Criteria

ANALYSIS

Site and Vicinity: The Portland Homestead Addition was platted in the early 1880s by pioneer attorney Philip Marquam. The subdivision occupies a relatively level bench at some elevation in the hills south of downtown. Today the area is dominated by the large buildings of the Oregon Health Sciences University campus just to the east. The immediate vicinity of the subject property is characterized by an eclectic mix of housing types and small commercial properties dating from the 1880s onward.

The site is a rectangular parcel of 10,000 square feet, occupying the southwest corner of the intersection of SW 10th Avenue and Grover Street. The footprint of the four story, reinforced concrete apartment block occupies almost the entire parcel, and the property immediately to the south is a parking also belonging to the applicant. The Marquam Manor Apartment Building is a Historic Landmark representing a modified Moderne Style of architecture with decorative elements in a Spanish neo-classical vein. The brick veneer street elevation is divided vertically into five bays, with the vertical emphasis reinforced by full height pilasters bracketing the bays. Stepping in the parapet reflects the bay pattern, with the central bay being tallest, followed by the outer bays at a slightly lower height, and the intermediates lowest of all. All the trims, including the entry surround, the pilasters, spandrel panels, and the parapet ornamentation is of cast stone.

Portland's Transportation System Plan classifies SW 10th Avenue and Grover Street as Local Service Bikeways and Local Service Walkways. The closest Tri-Met bus route 8 operates on SW Gibbs Street.

Zoning: The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone allows a full range of retail, service and business uses with a local and regional market area. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

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 **November 20, 2008**. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Environmental Services;
- Urban Forestry Division of Portland Parks & Recreation;
- Development Review Section of the Bureau of Transportation;

- Site Development Section of the Bureau of Development Services;

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **November 20, 2008**. No written comments in response to the proposal have been received from the neighborhood association (Homestead) or notified property owners.

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 a designated Historic Landmark. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. In addition, because the site is located within the Central City Plan District, the relevant approval criteria are the Central City Fundamental Design Guidelines.

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G. Approval criteria based on the Standards of the Secretary of the Interior:

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.

Findings: The proposal is to replace a rooftop access penthouse which does not meet current fire code. The structure is not a character-defining element and as such its removal will not adversely effect the historic integrity of the building. The new rooftop access penthouse will be in the same location as the existing one, but will be slightly larger to meet current emergency exiting code requirements. *This criterion is therefore met.*

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.

Findings: The proposed change is to a utilitarian penthouse roof access structure which does not contribute to the significance of the building. While the replacement structure will be in the same location as the existing one for practical reasons, its

construction and finish materials will make clear that it is not the original. *This criterion is therefore met.*

- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.

Findings: No changes to the property that have acquired significance over time will be effected by this proposal. *This criterion is therefore not applicable.*

- 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.

Findings: The property remains well maintained. There are no deteriorated historic features that require repair or replacement. *This criterion is therefore not applicable.*

- 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.

Findings: No significant historic materials will be disturbed by the proposed penthouse replacement work. *This criterion is therefore not applicable.*

- 6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: No ground-disturbing activities are proposed. *This criterion is therefore not applicable.*

- 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.

Findings: No materials that contribute to the significance of the property will be destroyed. In order to blend with the earlier construction, the revised roof access penthouse will use a modern version of the historic sheet metal cladding material, but will be subtly distinguishable by examination of construction techniques. *This criterion is therefore met.*

- 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.

Findings: The proposed alteration, will largely duplicate the massing, location, and size of the existing penthouse feature and is therefore compatible by definition. *This criterion is therefore met.*

- 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: No additions or adjacent new construction are proposed. *This criterion is therefore not applicable.*

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: The altered roof access penthouse will be compatible with the landmark Marquam Manor Apartments because it will be very similar to the existing structure in size, location, massing, and materials. It will not effect adjacent properties and is not located in a conservation or historic district. *This criterion 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 straightforward remodeling of the roof access penthouse on this historic apartment building will bring it into compliance with fire/life safety requirements without adversely effecting the character of the landmark. The proposal therefore merits approval.

ADMINISTRATIVE DECISION

Approval of alteration of a roof access penthouse structure per the approved drawings, Exhibits C-1 through C-6, signed and dated December 12, 2008, 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-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-177210 HDZ. No field changes allowed."

Decision rendered by:  **on December 12, 2008.**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 16, 2008

Staff Planner: Dave Skilton

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 12, 2008, and was determined to be complete on **November 17, 2008.**

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 12, 2008.

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, <Use one of the following choices> the applicant did not waive or extend the 120-day review period. (OR) the applicant requested that the 120-day review period be extended (insert a description of any extensions). (OR) the applicant waived the 120-day review period, as stated with Exhibit (Exhibit #)

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 Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on December 30, 2008** 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 Historic 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 Historic 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 **December 31, 2008 – (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:

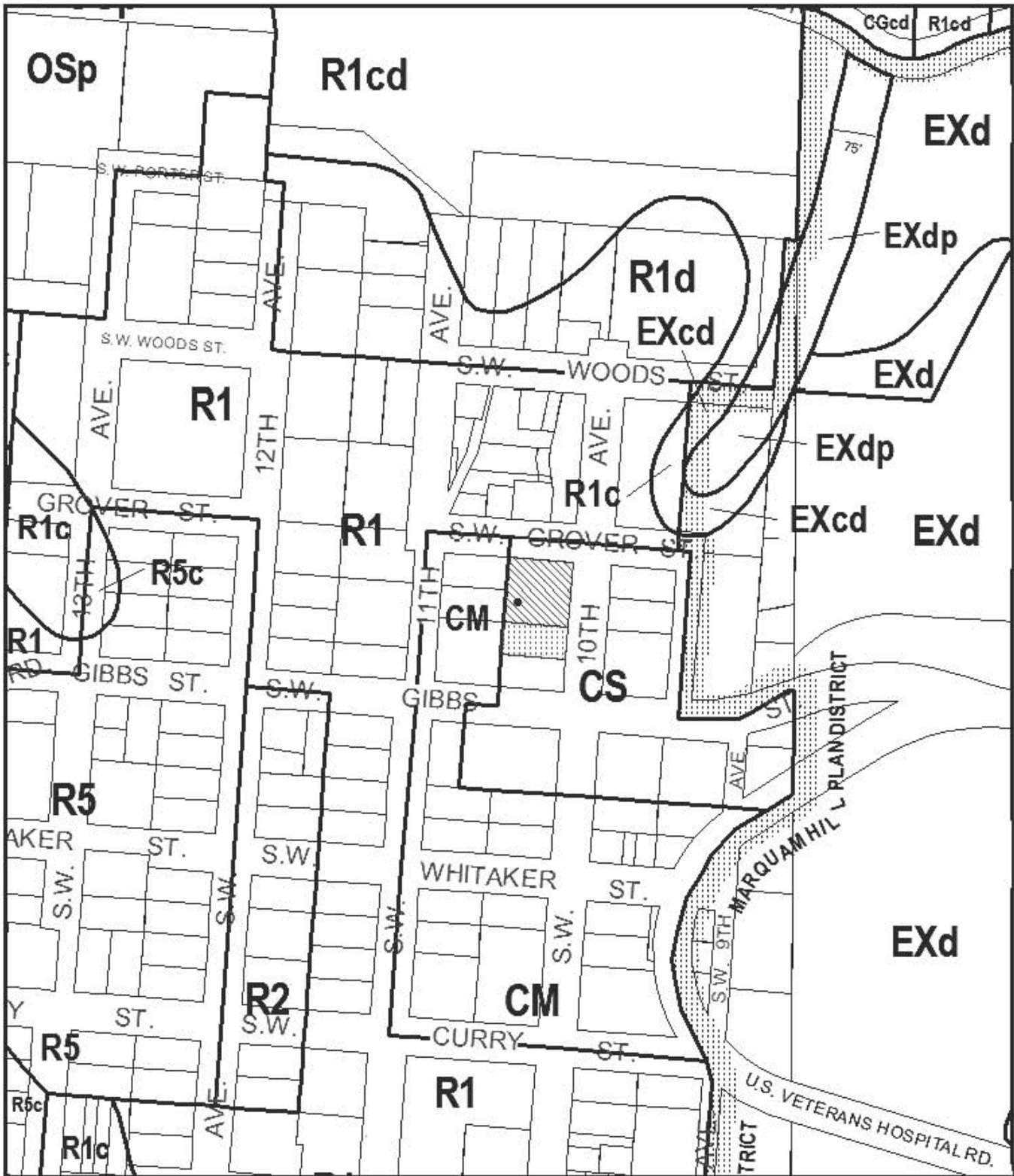
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan and Structural Notes
 - 2. Partial Site Plan
 - 3. Roof Framing Plan
 - 4. Sections
 - 5. Roof Plan (attached)
 - 6. South Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None
- 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 503-823-0625 (TTY 503-823-6868).

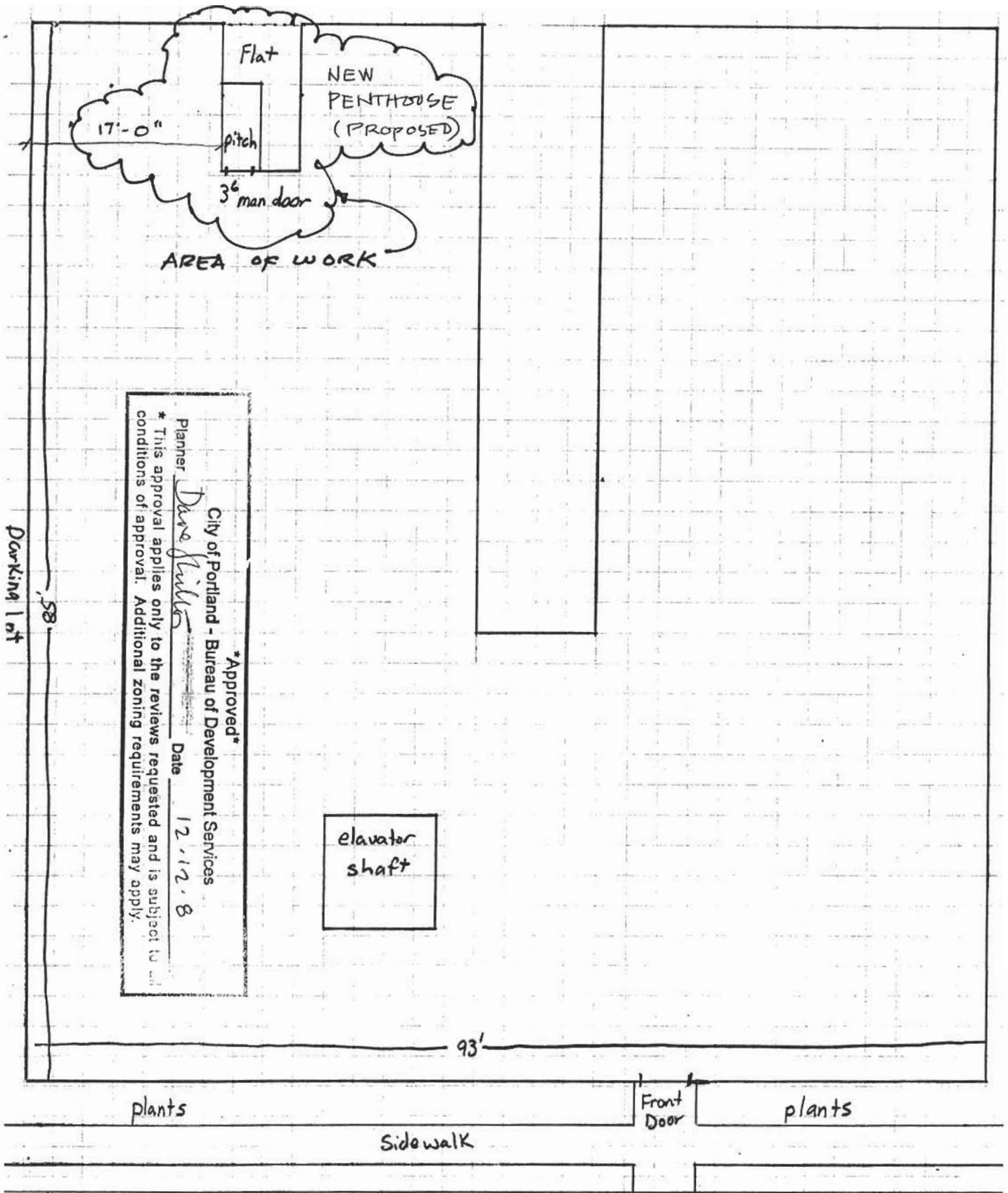


ZONING

-  Site
-  Also Owned
-  Historic Landmark



File No.	LU 08-177210 HDZ
1/4 Section	3328
Scale	1 inch = 200 feet
State_Id	1S1E09AC 4200
Exhibit	B (Nov 13, 2008)

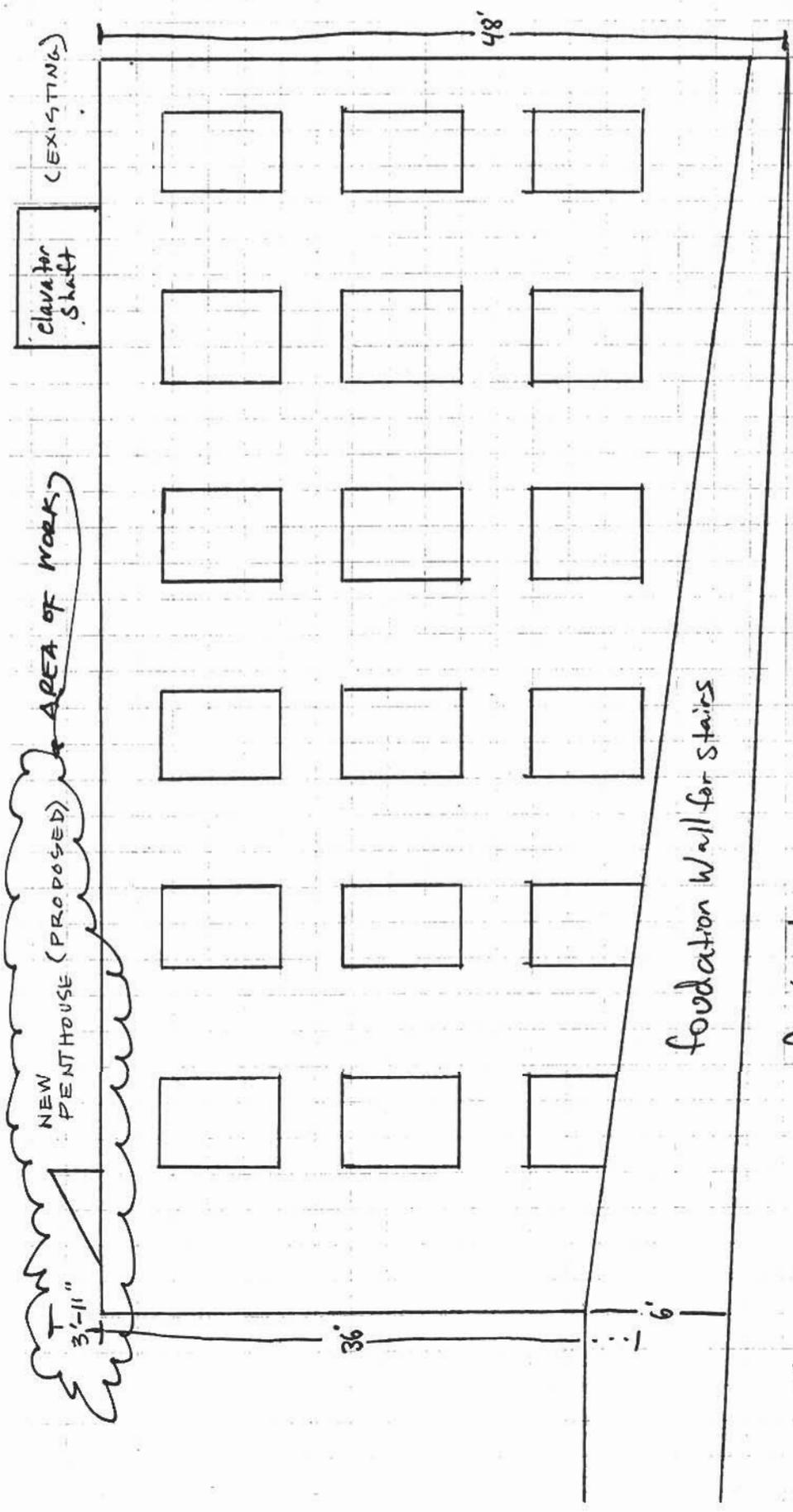


ROOF PLAN
NTS

EXHIBIT C-5

LU 08-177210 HDZ





SOUTH ELEVATION
NTS
Parking lot

MARQUAM MANOR ARTS
3211 SW 10th AVE

Approved
City of Portland - Bureau of Development Services
Planner Dave Hiltner Date 12.12.08
* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

EXHIBIT C-6
LU 08-177210 HDR