



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

FROM CONCEPT TO CONSTRUCTION

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Date: October 3, 2013
To: Interested Person
From: Staci Monroe, 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 **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 775 Summer St NE, Suite 330, Salem, OR 97301-1283. 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 13-203456 HR – LIGHT REPLACEMENT

GENERAL INFORMATION

Applicant/Owner: Kelly Johnson, 503-281-5777 / The Madeleine Parish
St Mary Magdalene Catholic Church Of Portland
3123 NE 24th Ave / Portland, OR 97212

Site Address: 3123 NE 24TH AVENUE

Legal Description: BLOCK 2 LOT 1-20, IRVINGTON
Tax Account No.: R420400210
State ID No.: 1N1E26AA 15500
Quarter Section: 2732
Neighborhood: Alameda, contact Jim Brown at 503-284-6455. Irvington, contact Dean Gisvold at 503-284-3885.

Business District: North-Northeast Business Assoc, Joice Taylor at 503-445-1321.
District Coalition: NE Coalition of Neighborhoods, Shoshana Cohen at 503-388-5004.
Other Designations: Irvington Historic District
Zoning: R5 – Single Dwelling Residential zone with Historic Resource overlay
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 seeks Historic Resource review to replace 5 light fixtures on the non-contributing portion of the Madeleine School building in the Irvington Historic District. On appeal, the Historic Landmarks Commission approved the 5 existing lights installed without the benefit of historic review and required the 10 other lights on the historic portion of the building to be removed (case file 12-117519 HDZ). As part of the Landmarks Commission approval, the 5 lights to remain were to have custom metal visors attached to prevent over-illumination of the surrounding area. Rather than add the visor, the applicant requests to replace the 5 lights with new bronze metal fixtures in the same location that, by design, focus the illumination downward.

Exterior building alterations in historic districts require Historic Resource Review per Section 33.445.320.

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:

- Other Approval Criteria – Section 33.846.060.G

ANALYSIS

Site and Vicinity: The St. Mary Magdalene Catholic Church and Madeleine Parish and School occupy the entirety of Block 2 and portions of Block 1 and 3 in the Irvington Subdivision, totaling 189,700 square feet in area. The site lies between NE 23rd and NE 24th with NE Siskiyou and NE Klickitat traversing the property east to west. The site includes a church, school, outdoor recreational field and parish office. The school, where the lights are proposed, is located along the western half of Block 2 fronting NE 23rd. The two-story school building was originally constructed in 1927 in the Gothic Revival style with a stucco finish. A newer, single-story addition has occurred on the northern end of the school. The light fixtures are located just above the 1st level along both new and original school building facades.

Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. Original development in many cases included garages or other accessory structures, typically facing side streets on corner lots and accessed by a variety of driveway types on mid-block sites. Garages that were added after original construction, but still within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

Zoning: The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and 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.

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

- CU 017-68: A 1968 Conditional Use approval for a play area for a school-church complex with landscape screening and a waiver to permit the enclosing fence, if a chain-link type, to be 6 ft. high.
- CU 033-84: A 1984 Conditional Use approval for a parish hall on the existing church site.
- LU 12-117519 HDZ: A 2012 Historic Design Review approval for 15 light fixtures on the west façade of the school building. Staff’s approval was appealed to the Landmarks Commission, which partially upheld the appeal request. The final decision was to retain 5 lights on the non-contributing portion of the building, while requiring the 10 lights installed on the contributing portion of the building to be removed.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **September 17, 2013**. Given the type of project no agency/bureau review was provided.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 17, 2013**. 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 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 within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore Historic Design 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

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.

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 for 2 and 7: The 5 fixtures to be replaced occur on the non-contributing portion of the school building that was added in 1990s. The proposed more modern fixtures on the recent building addition will clearly be distinguished from the older, historic portion of building and will not create a false sense of historic development. *This criterion is met.*

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.

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 1, 8 and 10: The replacement light fixture is designed to focus the illumination downward eliminating the need for a metal visor to be added on top of the existing fixtures, as conditioned under the prior approval. This will result in a simpler, cleaner fixture rather than a tacked on element. The finish of the replacement fixtures is a matte bronze that will complement the brown and beige color scheme of the recently painted school building. A factory applied color and finish will be more durable and long-lasting than the previously approved condition to paint the metal fixtures. The exposed conduit will continue to be painted the color of the beige wall that it is attached. These light fixtures are better integrated with the building and thus will not significantly affect the character of the historic district. As minor building elements, these fixtures are compatible with the surrounding properties and the larger historic district. *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 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. The replacement light fixtures will complement non-contributing portion of the building and will not negatively impact the character of the historic district. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of 5 new light fixtures to replace the existing lights on the west facade of the St. Mary Magdalene Catholic School in the Irvington Historic District, per the approved site plans, Exhibits C-1 through C-3, signed and dated 10/2/13, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-203456 HR."
- B. The exposed conduit shall be painted the same color as the wall it is attached to in perpetuity.

Staff Planner: Staci Monroe



Decision rendered by: _____ **on October 2, 2013**

By authority of the Director of the Bureau of Development Services

Decision mailed October 3, 2013

Procedural Information. The application for this land use review was submitted on September 10, 2013, and was determined to be complete on September 12, 2013.

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 September 10, 2013.

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.

Before the applicant can proceed with their project, the final Land Use Review 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 **October 4, 2013**.

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 it is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

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. Photo of existing lights to be removed painted
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Proposed Light Fixture Detail (attached)
 - 3. Photo of existing light fixture to be replaced with fixture specified in approved Exhibit C.2
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence: None
- 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
-  Also Owned

This Site is Located Within the:
Irvington Historic District



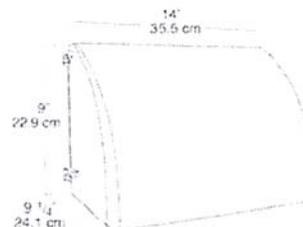
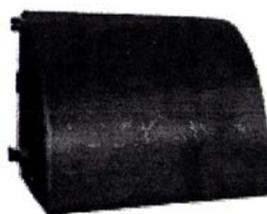
File No. LU 13-203456 HR
 1/4 Section 2732,3716,3816
 Scale 1 inch = 200 feet
 State_Id 1N1E26AA 15500
 Exhibit B (Sep 12, 2013)

WP2FCF42

Fully shielded, Full Cutoff wallpack. Full Cutoff optics with flat tempered glass lens. EZ mount knockouts for easy wiring. Lamp supplied.

Color: Bronze

Weight: 17.2 lbs



Lamp Info

Type: 42W Triple
 Watts: 42W
 Shape/Size: N/A
 Base: N/A
 ANSI: N/A
 Hours: 12,000
 Lamp Lumens: 3,200
 Efficacy: 70 LPW

Ballast Info

Type: Elec HPF QT
 120V: 0.38
 208V: 0.3
 240V: 0.2
 277V: 0.17
 Input Watts: 46W
 Efficiency: 91%

Technical Specifications

UL Listing:

Suitable for wet locations. HID fixtures can be wired with 90°C supply wiring if supply wires are routed 3" away from ballast.

Housing:

Die cast aluminum, 1/2" NPS tapped holes top, both sides and back for conduit or photocontrol. Hinged refractor frame. Continuous silicone rubber gasket.

Reflector:

Specular anodized aluminum, removable for installation. Symmetrical light pattern maximizes distance between fixtures.

Cutoff Lens:

Tempered glass.

Refractor:

Prismatic optics designed to minimize glare and throw light down and out. Heat resistant borosilicate glass.

Finish:

Chip and fade resistant polyester powder coating.

Patents:

RAB sensor and fixture designs are protected under U.S. and International Intellectual Property laws

Ballast Minimum Starting Temperature:

0°F

For use on LEED Buildings:

IDA Dark Sky Approval means that this fixture can be used to achieve LEED Credits for Light Pollution Reduction.

Dark Sky Approved:

The International Dark Sky Association has approved this product as a full cutoff, fully shielded luminaire.

Country of Origin:

Designed by RAB in New Jersey and assembled in the USA by RAB's IBEW Local 3 workers.

Buy American Act Compliant:

This product is a COTS item manufactured in the United States, and is compliant with the Buy American Act.

Recovery Act (ARRA) Compliant:

This product complies with the 52.225-21 "Required Use of American Iron, Steel, and Manufactured Goods-- Buy American Act-- Construction Materials (October 2010)

Trade Agreements Act Compliant:

This product is a COTS item manufactured in the United States, and is compliant with the Trade Agreements Act.

GSA Schedule:

Suitable in accordance with FAR Subpart 25.4

Approved

City of Portland - Bureau of Development Services

Planner *[Signature]* Date 9/2/13

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

EX-C-2
LV 13-203456 HR



Tech Help Line: 888 RAB-1000

Email: sales@rabweb.com

On the web at: www.rabweb.com

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Note: Specifications are subject to change without notice

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