



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

FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** May 9, 2014  
**To:** Interested Person  
**From:** Jennifer Kenny, Land Use Services  
 503-823-7011 / [Jennifer.Kenny@portlandoregon.gov](mailto:Jennifer.Kenny@portlandoregon.gov)

**NOTICE OF A TYPE IX 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. Information on how to do so is included at the end of this decision.

**CASE FILE NUMBER: LU 14-129010 HR – NEW VENT**

**GENERAL INFORMATION**

**Applicant:** Jody Boom / Rose Heating  
 9945 NE 6th Dr / Portland, OR 97211

**Site Address:** 8202-8208 N DENVER AVE

**Legal Description:** BLOCK 3 LOT 33&34 37&38 TL 5100, KENTON  
**Tax Account No.:** R445901140, R445901140  
**State ID No.:** 1N1E09DA 05100, 1N1E09DA 05100  
**Quarter Section:** 2228  
**Neighborhood:** Kenton, contact Steve Rupert at 503-317-6573.  
**Business District:** Kenton Business Association, contact Jessie Burke at 971-404-9673.; Interstate Corridor Business Association, contact Aleksandra Johnson at 503-735-4420.

**District Coalition:** North Portland Neighborhood Services, contact Mary Jaron Kelley at 503-823-4099.

**Plan District:** Kenton

**Other Designations:** Portland Historic Landmark known as the Dupey Block, a Contributing Property within the Kenton Commercial Historic District and the Kenton Conservation District

**Zoning:** CSD, Storefront Commercial with a Design overlay  
**Case Type:** HR, Historic Resource Review  
**Procedure:** Type IX, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:** The applicant is seeking Historic Resource Review approval to add a 12” x 10” x 4” air intake vent on the east elevation of a historic landmark in the Kenton Commercial Historic District. Historic Resource Review is required for non-exempt exterior alterations within the historic district.

**Relevant Approval Criteria:**

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

- 33.846.060 G - Other Approval Criteria
- Community Design Guidelines

## ANALYSIS

**Site and Vicinity:** The subject property is a Portland Historic Landmark known as the Dupey Block, and a Contributing Property within the Kenton Commercial Historic District. It was built in 1909 by architect E.E. McClaran during streetcar era commercial development in the neighborhood.

The Kenton Commercial Historic District forms the core of what was originally the distinct community of Kenton, a company town focused around the Swift & Company livestock and slaughterhouse operations which were located just to the north of the district. At the time, Swift & Company was one of the largest meat processing companies in the United States.

While the listed historic district includes only the commercial center of Kenton, it is embraced to the west, south, and east by a historic context of many blocks of company developed or subsidized worker housing. A distinctive characteristic of this historic district, and the larger related area as well, is the use of cast stone, a concrete building material that was popular during the up-building of Kenton in the first half of the 20<sup>th</sup> Century. The company that produced much of the concrete block was also related to the developers of the plat and the meat packing operation.

The period of significance runs from 1909 to 1949 reflecting the growth, maturity, and then decline of the area.

**Zoning:** The Kenton Plan District fosters a vital retail corridor along Denver Avenue, ensures that the design of new buildings, and modifications to existing buildings, are compatible with the historic character of the area.

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.

The Historic Resource Protection zone 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 (d) overlay zone promotes the conservation and enhancement of areas of the city with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review.

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

- LU 89-006153: Historic Landmark designation
- LU 09-106419: Removal of canopy and fire escape, new awnings
- LU 10-151108: Storefront restoration
- LU 11-117512: New projecting sign

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **April 9, 2014**. No comments were received.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **April 9, 2014**. 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 site is located within the Kenton Historic District and the proposal is for a non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*. Because the site is located within the Design overlay zone, the approval criteria also include the *Community Design Guidelines*.

*Staff has considered all guidelines and criteria 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.

**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 new vent will not replace any historic materials and will be painted to match the building; therefore the historic character of the resource will be retained. Because the vent is smaller than existing equipment and it will be placed at a secondary elevation, the architectural features of the historic storefront will be preserved.

In terms of compatibility with the resource, neighboring properties and the district, the subject resource will retain its original setbacks, height, massing, materials, site coverage, and orientation to the street. Thus, the vent is compatible with the existing resource, adjacent properties and the district. *These criteria are therefore met.*

### **Community Design Guidelines**

**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 D6:** The new vent will be placed at a secondary elevation and painted to match the building, in order to maintain the historic character of the resource. With the condition of approval that the vent is painted to match the building, *this guideline is 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 Resource 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 Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of 12" x 10" x 4" air intake vent on the east elevation of a historic landmark in the Kenton Commercial Historic District, per the approved site plans, Exhibits C-1 through C-3, signed and dated May 5, 2014 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 14-129010 HR."
- B. Paint vent to match building.

**Staff Planner: Jennifer Kenny**

**Decision rendered by:** Kimberly Tallant **on May 5, 2014.**  
**By authority of the Director of the Bureau of Development Services**

**Decision mailed: May 9, 2014**

**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 March 20, 2014, and was determined to be complete on **March 28, 2014.**

*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 March 20, 2014.

*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: July 27, 2014.**

**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](http://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 **May 9, 2014**.

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.

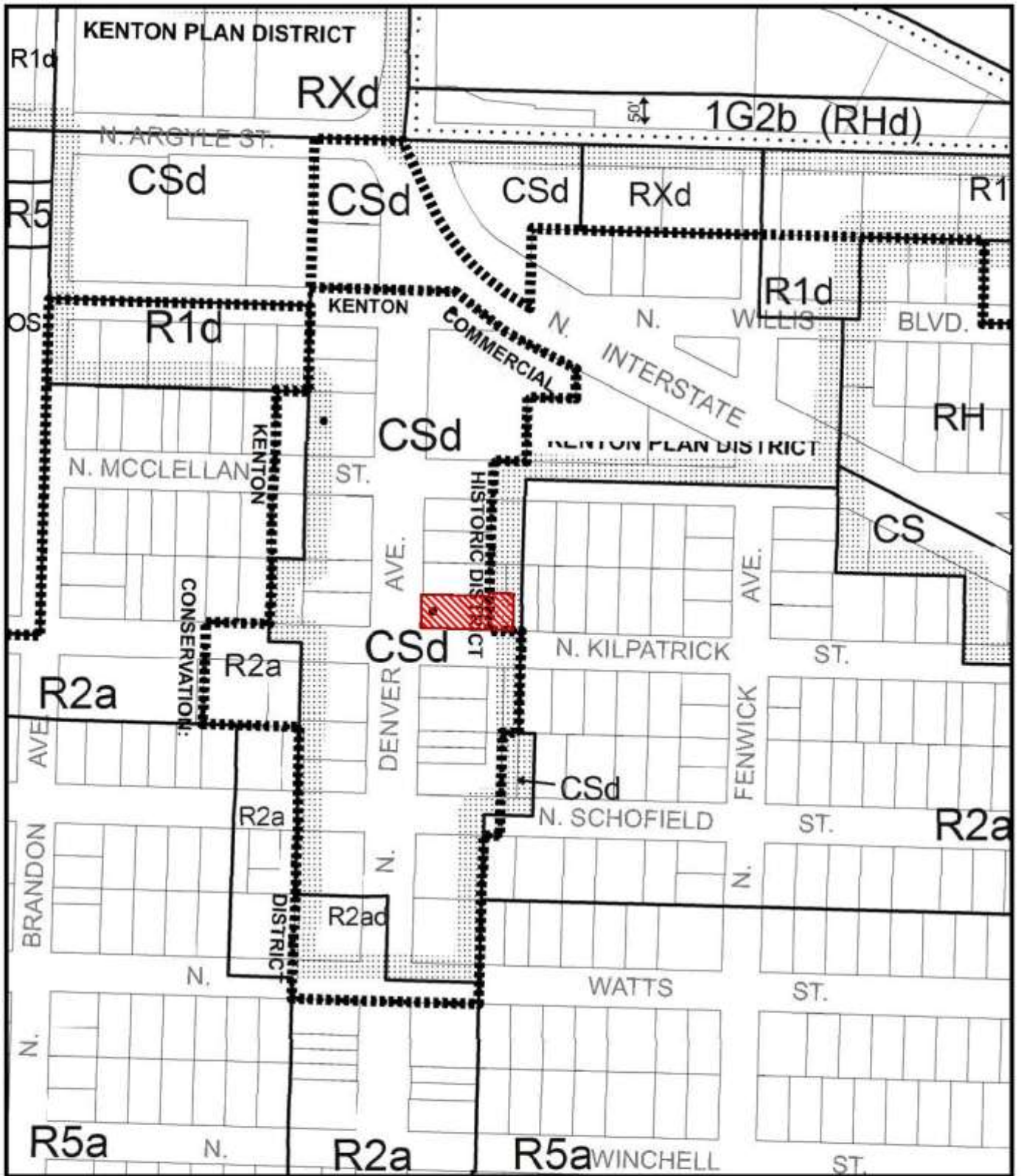
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Elevations (attached)
  - 3. Details
- 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. Photograph of site

**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:  
KENTON PLAN DISTRICT

File No. LU 14-129010 HR

1/4 Section 2228

Scale 1 inch = 200 feet

State\_Id 1N1E09DA 5100

Exhibit B (Mar 24, 2014)

\*Approved\*  
City of Portland - Bureau of Development Services  
Inspector Jammy Kanny Date 5/5/14  
This approval is valid only to the reviews requested and is subject to additional zoning requirements.

AREA OF WORK



N. DENVER AVE

N. Kit Patrick STREET

EXHIBIT C-1

SITE PLAN - NOT TO SCALE

LD14 - 129010 HC

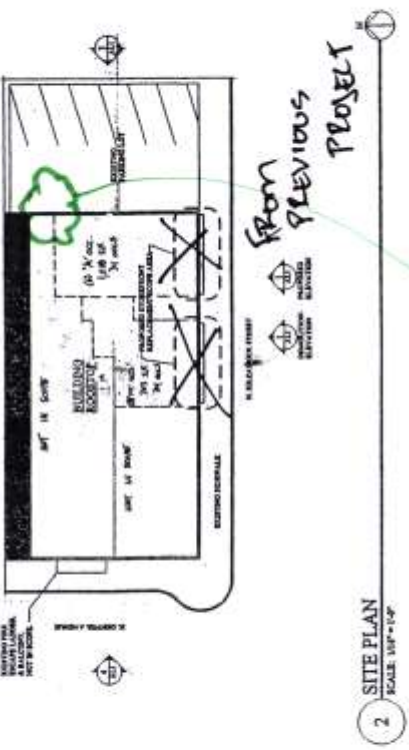


EXHIBIT G-1





PERMIT / BID SET



AREA OF WORK

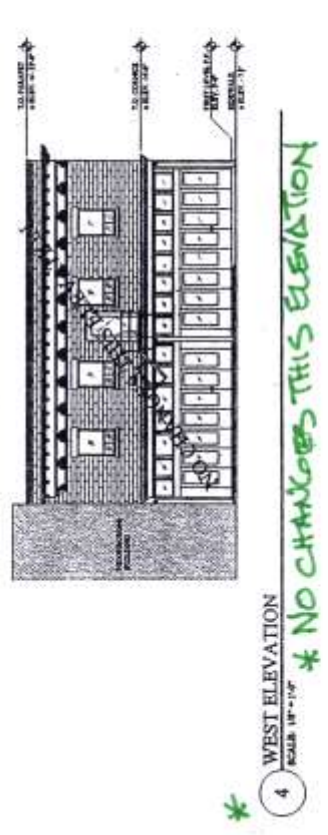
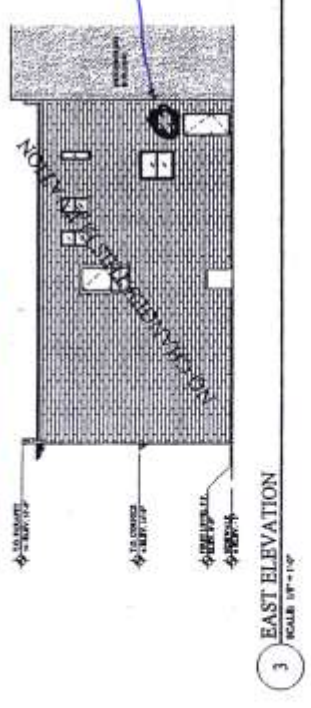
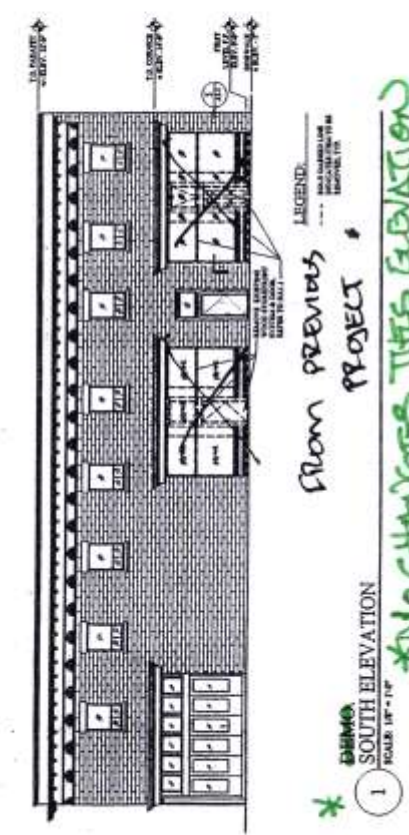
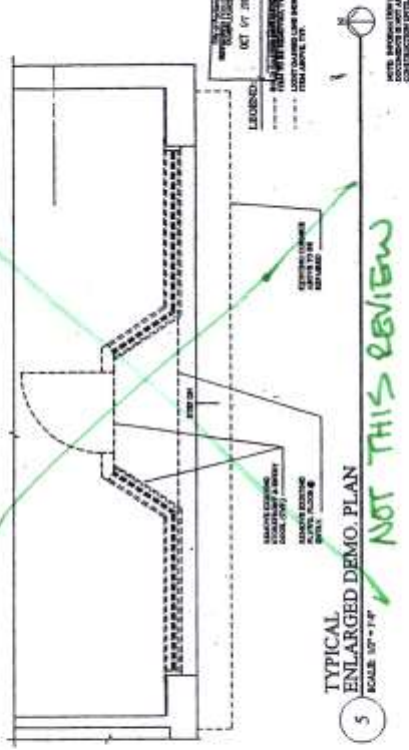


EXHIBIT G-2  
LU 14-129010 HR

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner ANNALY KUNY Date 5/5/14  
 This approval applies only to the reviews requested and is subject  
 to conditions of approval. Additional zoning requirements may apply.