



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: July 14, 2014
To: Interested Person
From: Staci Monroe, Land Use Services
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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 14-129764 HR *WINDOW REPLACEMENT FOR PCC PUBLIC SAFETY BUILDING*

GENERAL INFORMATION

Applicant: Rebecca Ocken | PCC Bond
9700 SW Capitol Hwy | Portland OR 97219

Consultant: Chris Hagerman | The Bookin Group LLC
813 SW Alder Street, Suite 320 Portland, OR 97205

Owner: Portland Community
PO Box 19000 | Portland, OR 97280-0990

Site Address: 501 N KILLINGSWORTH STREET

Legal Description: BLOCK 10 E 60' OF S 60' OF LOT 1 EXC PT IN ST, PIEDMONT
Tax Account No.: R657801400
State ID No.: 1N1E15DC 17900
Quarter Section: 2430
Neighborhood: Humboldt, contact Brian Murtagh at 503-962-9194.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.
Plan District: None
Other Designations: Piedmont Conservation District
Zoning: CS – Commercial Storefront with a historic resource overlay
Case Type: HR – Historic Resource Review per the adopted IMP

Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant seeks Historic Resource Review approval to replace the windows on the Public Safety Building located within the PCC Cascade Campus IMP (Impact Mitigation Plan) Boundary and the Piedmont Conservation District. The proposal includes removing 13 existing aluminum windows on the south and east street-facing facades with new vinyl windows in chestnut brown of the same proportions and design.

Per the Historic Protection Strategy of the adopted IMP (Appendix C), projects that alter structures that are both within the IMP boundary and the Piedmont Conservation District, are processed as a Type I (now Ix) if the Adopted IMP Design Standards can be met.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33 of Portland Zoning Code. Per Chapter 33.848, the PCC Cascade Campus has an approved Impact Mitigation Plan (IMP) adopted in 2001 that includes specific Design Standards and Guidelines as the approval criteria for all design and historic resource reviews. Therefore, the relevant criteria are:

- PCC – Cascade IMP Design Standards

ANALYSIS

Site and Vicinity: The Cascade campus of Portland Community College comprises a developed core campus area of approximately eight city blocks, with the majority of the campus occupying an area generally bounded by Killingsworth to the south, Albina to the west, Jarrett to the north and an alleyway parallel to N Commercial Avenue to the east. This general area is the current core of the campus and is bounded by a mix of apartments and single dwelling houses to the north, northeast and northwest. The Killingsworth frontage intermingles with a commercial area that is storefront in character. The eastern most portion of the campus along Killingsworth is directly across from the track and playing fields of Jefferson High School.

The college received approval via an Impact Mitigation Plan [Case File Number 01-00490 IM] to expand the campus over the next 20 years in two Phases. The College's approved Impact Mitigation Boundary within which the campus is allowed to expand is toward the west, along the N Killingsworth frontage, with a northerly boundary of N Simpson Street, and a west boundary generally following N Michigan with a block of properties between N Church and Killingsworth, directly across from the I-5 freeway.

The area within the approved Impact Mitigation Boundary includes additional commercial storefront development along the N Killingsworth frontage, as well as several small commercial uses. The subject site is located on the north side of Killingsworth at the intersection of N Commercial Avenue. The approximately 3,200 SF property is developed with a single-story commercial building that occupies the majority of the site with a service area and trash along the rear, north portion. The proposal to replace windows, only affect the east and south facades.

This specific property specifically is zoned Storefront Commercial with a Design Overlay Zone (CSd) and also within the Piedmont Conservation District. The subject property lies within the PCC Cascade campus boundary adopted in the Impact Mitigation Plan as well as the Killingsworth Pedestrian District.

The *Storefront Commercial* (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with

buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

The *Design Overlay Zone* promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. 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.

The *Piedmont Conservation District* is intended to protect certain Portland historic resources and preserve significant parts of Portland'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 Portland. The regulations foster pride among Portland'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 *Killingsworth Pedestrian District* is designated through the Transportation Element of the Comprehensive Plan. Designated pedestrian districts are intended to foster enhanced pedestrian facilities and pedestrian-oriented development. Pedestrian Districts are areas where frequent pedestrian use exists or is intended and where priority is given to pedestrian access and activities in order to make walking the mode of choice for trips within the Pedestrian District. All streets within Pedestrian Districts are equal in importance in serving pedestrian trips. A Pedestrian District includes both sides of the streets along its boundaries. Pedestrian Districts are characterized by dense, mixed-use development and transit-supportive residential areas of district-wide or neighborhood importance.

Land Use History: City records indicate multiple prior land use reviews, which are summarized at Exhibit G-2, in the record for this review. The pertinent land use reviews related to the current request are the approved Impact Mitigation Plan for PCC Cascade Campus, Case File LU 01-00490 IM, LU 01-00751 DZ, LU 09-138717 IM, 12-137412 IMAD, 12-181414 DZ (Paragon Building Remodel) and 14-147004 DZM (PCC Garage Entry Sign)

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **May 23, 2014**. The following Bureaus have responded with no issues about the proposal:

- Water Bureau (Exhibit E.1)
- Plan Review Section of BDS (Exhibit E.2)
- Site Development Section of BDS (Exhibit E.3)
- Urban Forestry Section of Parks Bureau (Exhibit E.4)

The following Bureaus stated no concerns:

- Bureau of Transportation Engineering
- Bureau of Environmental Services
- Fire Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 23, 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

As required by Chapter 33.848, Cascade's 2001 Impact Mitigation Plan (IMP) provided design guidelines developed by the college that apply at the margins of its campus to buffer the campus' institutional character and scale from surrounding residential areas. Three districts were identified in the IMP including a Commercial Storefront District that covers the area of historic "streetcar" storefronts along the north side of N. Killingsworth Avenue,

which provides the transition at the south edge of the campus and has been designated as a pedestrian district by the City of Portland. Development within this district, including the subject building, is required to demonstrate compliance with the qualitative Design Guidelines first described in the IMP and then formally approved in LU 01-751 DZ for properties within the 50-foot Pedestrian and 150-foot Transition Zones; the subject building falls into both of these zones. The adopted Design Standards applicable in these zones are as follows:

- I. Pedestrian Standards
- II. Pedestrian Amenities
- III. Bicycle Parking Standards
- IV. Gateways
- V. Building Setbacks
- VI. Landscape Standards
- VII. Building Setbacks
- VIII. Landscape Standards
- IX. Street Trees
- X. Landscaped Areas
- XI. Ground Floor Windows
- XII. Large Building Elevations
- XIII. Vehicle Area Standards
- XIV. Parking Area Landscaping
- XV. Exterior Finish Materials
- XVI. Screening of Mechanical Equipment
- XVII. Screening Garbage Collection Areas
- XVIII. Additional Standards for Properties within the Piedmont Historic District

Staff has considered all standards and has addressed only those standards considered applicable to this project.

XI. Ground Floor Windows

B. Required window area standard. In the Mixed Use Storefront and Cascade Campus Sub-districts, for building facades within 25 feet of the curb: windows must occupy at least 50 percent of the length, and 25 percent of the ground level exterior wall area, measured to 9 feet above finished grade. Windows with sills or the bottom of window[s] more than 4 feet above grade do not apply to the minimum.

1. Where a building has more than one street frontage, this standard must be met on the street with the higher classification (i.e., the transit street), and half of this standard (25 percent of the length, 12.5 percent of the ground level wall area measured to 9 feet above grade) must be met on remaining Building facades within 25 feet of the curb.
2. If there is no transit street, or if the streets have equal classification, then the college may determine which building façade will meet the full window standard, and which façade(s) will meet the half window standard.

Finding: The Public Safety Building is within the Mixed-Use sub-district, has two street frontages, one of which is a transit street (Killingsworth), and has both facades within 25' of the street lot lines. The south façade meets the ground-floor window standards although the east façade does not. Regardless, since the proposal is strictly for the replacement of existing windows, the non-conforming situation is pre-existing and will not move further out of conformance with this standard. *These standards have been met.*

C. Qualifying window features. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. The bottom of the windows must be no more than 4 feet above the adjacent

exterior grade. No mirrored glass may be used in ground floor windows, or on any facades facing off-campus.

Finding: The replacement windows consist of clear glazing within the existing openings. Not all of the window sills are within 4' of the adjacent grade, specifically on the east façade, however, the proposal at this pre-existing non-conforming area does not move further out of compliance with the standard. *This standard has been met.*

XVIII. Additional Standards for Properties within the Piedmont Historic District. The following standards are additional requirements for properties within both the Impact Mitigation Plan Boundary and the Piedmont Conservation District.

A. Maximum Setbacks. For buildings with less than 50' of lot line frontage along a public street, no setback is permitted from the lot line. For buildings with greater than 50' of lot line frontage, at least 50' must have no setback from the lot line, and at least 75% of the building lot line must be within 10' of the street lot line. Sites that have more than one street lot line must meet this standard along two street lot lines. If transit supported plaza is provided, the building may be setback from the lot line to the edge of the plaza, with the setback not to exceed 25 feet.

Finding: As an existing building, the setbacks are non-conforming to this standard; the planned window renovation will not move the building further out of conformance with this standard. *This standard has been met.*

B. Ground level glass. All glass in ground level street facing windows and doors must be transparent or ornamental stained glass. Reflective, translucent or opaque glass is not permitted except for use in restroom, locker room or changing room windows.

Finding: The current windows are transparent on the upper portions but frosted on the bottom to provide security within the building. The replacement windows will contain all clear glazing. Other measures on the interior of the building, that are not affixed to the windows, such as blinds, can be provided to address any security concerns. *This standard has been 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. As discussed in detail in the above findings, this proposal meets the applicable PCC IMP Design Standards and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the replacement 13 existing aluminum windows on the south and east street-facing facades with new vinyl windows in chestnut brown that match existing proportions and design on the Public Safety Building, which is located within the PCC Cascade Campus IMP (Impact Mitigation Plan) Boundary and the Piedmont Conservation District.

Per the approved site plans, Exhibits C-1 through C-7, signed and dated 7/9/14, 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.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-129764 HR."

Staff Planner: Staci Monroe



Decision rendered by: _____ **on July 9, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) July 14, 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 21, 2014, and was determined to be complete on May 21, 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 21, 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.

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.

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 **July 14, 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:

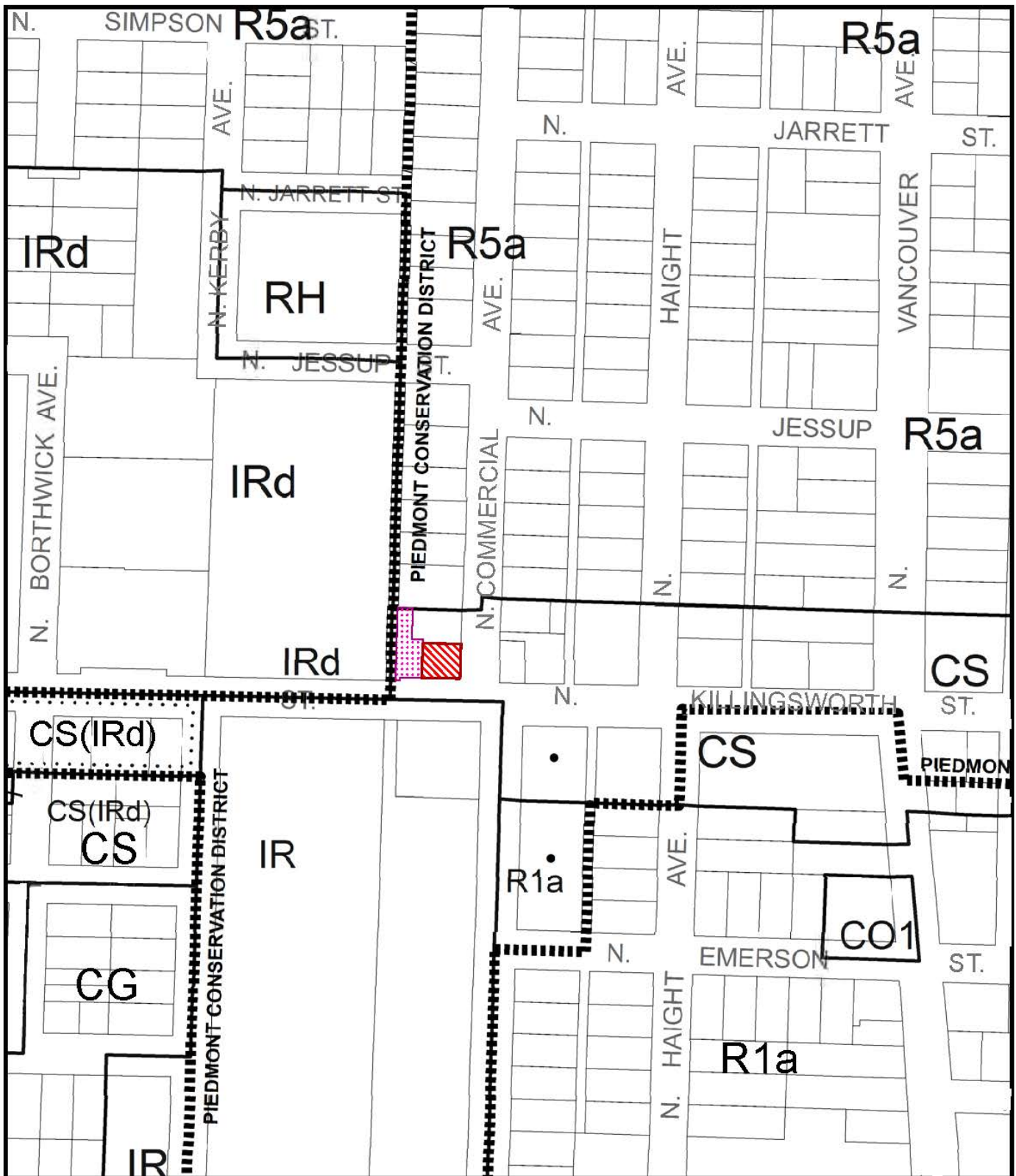
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Project Narrative and Approval Criteria Responses
 - 2. Neighborhood Contact Requirement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Photos of Existing East & South Facades (attached)
 - 3. Detailed Section of Existing Window to be replaced
 - 4. Detailed Section of New Windows (attached)
 - 5. Window/Wall Sections of New windows
 - 6. Window/Wall Sections of New windows
 - 7. Manufacturer Cutsheet of New Windows (8 pages)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Site Development Review Section of BDS
 - 3. Plan Review Section
 - 4. Bureau of Parks, Forestry Division
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter dated 4/7/14

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
-  Historic Landmark



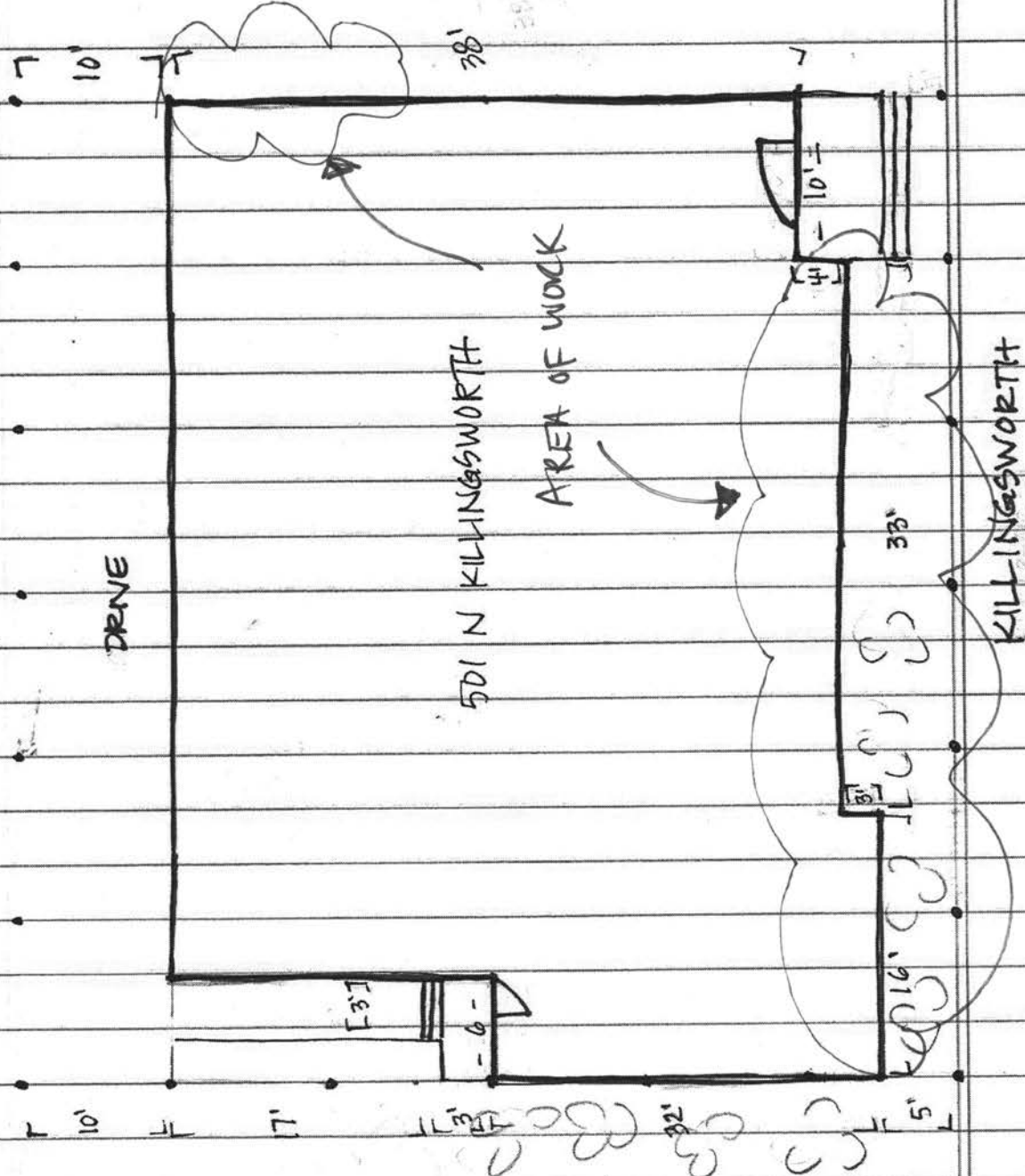
This site lies within the:
PIEDMONT CONSERVATION DISTRICT

File No. LU 14-129764 DZ
 1/4 Section 2430
 Scale 1 inch = 200 feet
 State_Id 1N1E15DC 17900
 Exhibit B (Mar 25, 2014)

4N

COMMERCIAL

FRONT LINE
1" = 10'



Approved

City of Portland - Bureau of Development Services

Planner

Simon

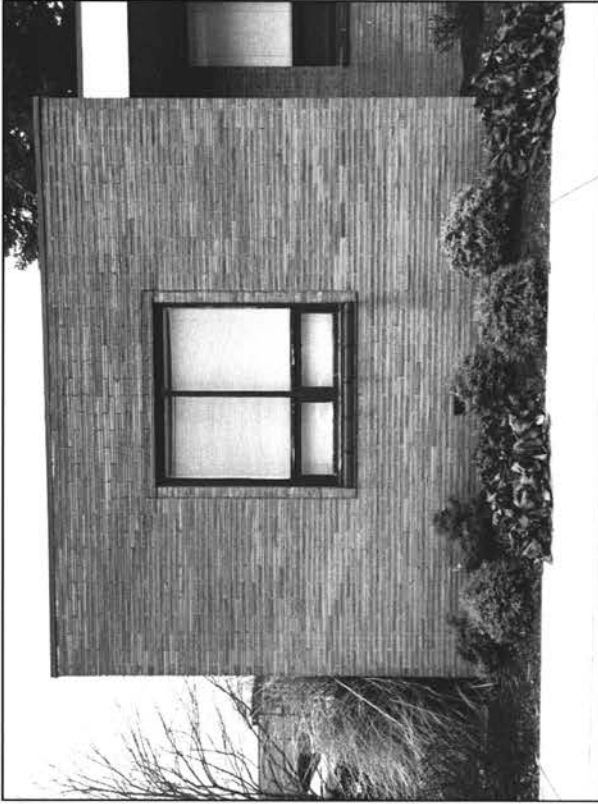
Date

7/9/14

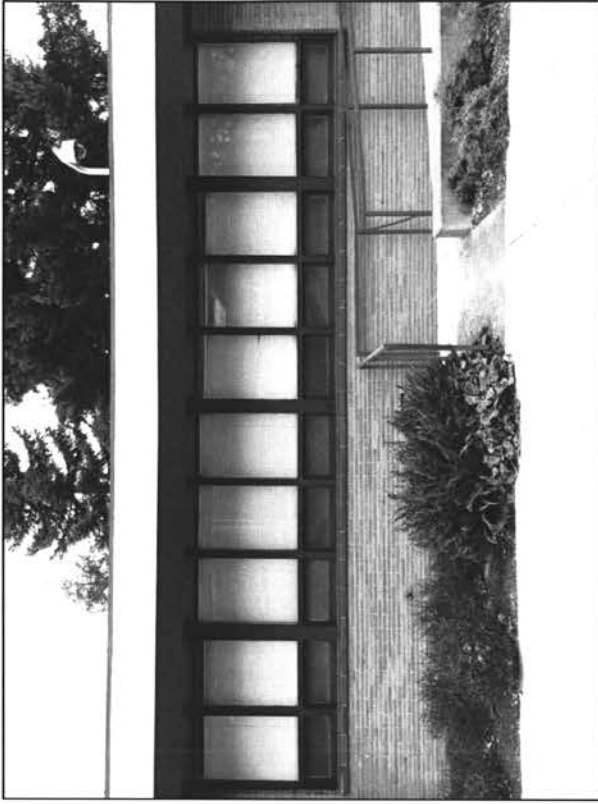
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 14-129764 HR
EX. C-1

FIGURE II-3: PHOTOGRAPHS OF EXISTING SITE



#1: West end of South Front Façade.



#2: Center of South Front Façade.



#3: East Façade.

Approved

City of Portland - Bureau of Development Services

Planner J. Miller Date 7/9/14

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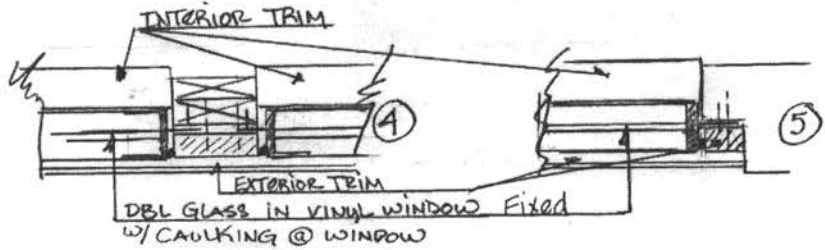
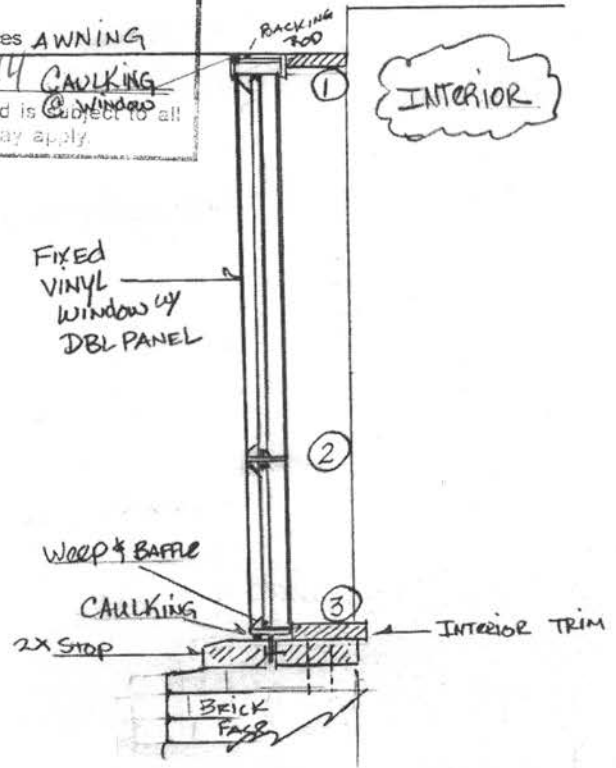
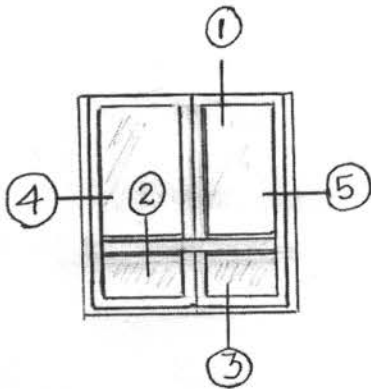
EX.C-2
 LV 14-129764 HR

Approved

City of Portland - Bureau of Development Services **AWNING**

Planner S. Ma Date 7/9/14

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NEW VINYL Fixed WINDOW w/ nail Fin
NOT TO SCALE

PCC Service Building

14-129764-1K
EX. C-4