



Date: August 21, 2014
To: Interested Person
From: Kate Marcello, Land Use Services
 503-823-7538 | kate.marcello@portlandoregon.gov

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 the version located on the BDS website, via the following link: <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the district coalition and 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 14-160919 HR
New Duplex Adjacent to Historic Rinehart Building

GENERAL INFORMATION

Applicant/Architect: Robert Fry, Colab Architecture & Urban Design LLC | 503-827-5339
 421 SW 6th Avenue, Suite 1250 | Portland, OR 97204

Owner: Timothy P Brown | 503-241-0169
 1409 NE 17th Ave | Portland, OR 97232

Site Address: 3037-3041 N Williams Avenue

Legal Description: BLOCK 1 LOT 1 HISTORIC PROPERTY POTENTIAL ADDITIONAL TAX, WILLIAMS AVE ADD

Tax Account No.: R916400010, R916400010, R916400010, R916400010, R916400010

State ID No.: 1N1E27AB 13600, 1N1E27AB 13600, 1N1E27AB 13600, 1N1E27AB 13600, 1N1E27AB 13600

Quarter Section: 2730

Neighborhood: Eliot; contact Mike Warwick at 503-284-7010.

Business District: North-Northeast Business Assoc; contact Joice Taylor at 503-841-5032.

District Coalition: Northeast Coalition of Neighborhoods; contact Claire Adamsick at 503-388-9030.

Plan District: Albina Community Plan District

Conservation District: Eliot Conservation District

Other Designations: Site is a designated Historic Landmark. (The Rinehart Building was listed on the National Register of Historic Places on December 24, 2013.)

Zoning: Central Residential (RX) base zone; Design (d) overlay zone; Historic Resource Protection overlay zone

Case Type: Historic Resource Review (HR)

Procedure: Type II, which is an administrative decision, with appeal to the Landmarks Commission.

PROPOSAL: The applicant requests Historic Resource Review approval for a new residential duplex building on the same site as the historic Rinehart Building. The new building will face N Monroe Street and be about 20 feet wide x 50 feet long. The front two-thirds of the building will be three

stories tall, with an eco-roof. The rear one-third of the building steps down to one story. The one-story portion has a rooftop patio. Primary building materials include brick, metal panels, and fiber-cement lap siding. There will be a walkway between the existing Rinehart Building and the proposed new building. A flow-through planter for stormwater management will abut the walkway near the rear of the new building.

Because the proposal is for non-exempt alterations to a site designated as a Historic Landmark, Historic Resource Review approval is required prior to the issuance of building permits.

RELEVANT APPROVAL CRITERIA:

In order to be approved, this proposal must comply with the approval criteria of Title 33 (Portland Zoning Code). Pursuant to 33.846.060.E.2.b in the Zoning Code, the *Community Design Guidelines* comprise the approval criteria for this Historic Resource Review.

ANALYSIS

- I. Site and Vicinity:** The proposed freestanding duplex building will be located at the rear of the historic Rinehart Building. The duplex will face N Monroe Street. The Rinehart Building was designated as a Portland Historic Landmark in 2007. On December 24, 2013, it was designated as a Historic Landmark listed on the National Register of Historic Places. The site, which encompasses both the Rinehart Building and the proposed duplex, is about 4,825 square feet in area. It is located on the block bounded by N Williams Avenue, N Monroe Street, N Vancouver Avenue, and N Morris Street in the Eliot neighborhood in the Albina Community Plan District.

The name “Rinehart Building” is fairly new; the building is named after one of the historic building’s early owners. The building is a two-story brick masonry structure. There are retail storefronts at the ground floor and apartments at the second floor. It was constructed in 1914 on speculation by the firm Brooks & Downing. The building displays typical characteristics of neighborhood Commercial Style buildings of its era. The Rinehart Building is significant because it is one of the last buildings of its type on N Williams Avenue, which was once a thriving streetcar-era commercial street. The building housed many retail tenants over the years. The most significant of these includes Cleo’s Tavern, which opened in 1953, and several successors, culminating in the Cleo-Lillian Social Club, which began formally in 1968 and occupied the entire ground floor from 1974 to 2001. The club provided a venue for many organizational meetings in the Black community and offered jazz music entertainment. The Club booked many famous jazz musicians from around the country. Therefore, in addition to its Commercial Style architecture, the building is also significant for its contribution to the history of Portland’s Black community in the mid- to late- 20th century.

Currently the Williams-Vancouver corridor is undergoing rapid redevelopment. Culturally significant (but unprotected) buildings have been demolished to accommodate new development; additionally, sites that have been vacant for decades are being redeveloped. The corridor is home to large new apartment buildings, some with ground-floor retail, in addition to new office buildings with ground-floor retail, a medium-sized new specialty grocery store, and new retail tenants in existing older buildings. The area surrounding the Williams-Vancouver corridor is characterized by single-family houses, many constructed in the early 1900s.

II. Zoning:

Base Zone: The Central Residential (RX) zone is a high-density multi-dwelling zone that allows the highest density of dwelling units of the residential zones. The maximum size of buildings and intensity of use are regulated by floor area ratio limits and other site development standards. The major types of new housing development will be medium- and high-rise apartments and condominiums, often with allowed retail, institutional, or other service-oriented uses.

Overlay Zone: The Design (d) 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. In addition, Design Review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

Overlay Zone: The Historic Resource Protection overlay zone is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region's heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties

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

1. LU 07-165448 HL (2007): Historic Landmarks Commission approval of Historic Designation Review to designate the Rinehart Building site as a Historic Landmark.
2. LU 11-146657 HDZ (2011): Historic Design Review approval for restoration/rehabilitation of the façade of the historic Rinehart Building.

IV. Public Notice: A *Notice of Proposal in Your Neighborhood* was mailed on June 26, 2014.

Neighborhood Review: No written comments in response to the proposal have been received from notified property owners; however, a response has been received from Mike Warwick, Chairperson of the Land Use Committee of the Eliot Neighborhood Association. The response was received on July 15, 2014 via e-mail and states:

On behalf of the Eliot Neighborhood Association Land Use Committee this is to inform you it has reviewed this proposal and approves of it. Not only that, we recommend it as an example of the kind of design we would like to see more of.

Agency Review: All notified City bureaus/departments responded with comments, but with no objections or concerns regarding the proposal:

1. Bureau of Environmental Services (Exhibit E-1),
2. Urban Forestry Division of Portland Parks & Recreation (Exhibit E-2),
3. Development Review Section of Portland Bureau of Transportation (Exhibit E-3),
4. Life Safety/Building Code Section of BDS (Exhibit E-4),
5. Site Development Review Section of BDS (Exhibit E-5),
6. Portland Water Bureau (Exhibit E-6), and
7. Portland Fire & Rescue (Exhibit E-7).

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Design Review

Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is located within the Eliot Conservation District and the proposal is for a new building located at a site designated as a Historic Landmark. Pursuant to 33.846.060.E.2.b in the Zoning Code, the *Community Design Guidelines* comprise the approval criteria for this Historic Resource Review.

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

P1. Community Plan Area Character.

Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's unique characteristics and neighborhood traditions.

P2. Historic and Conservation Districts.

Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

D7. Blending into the Neighborhood.

Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Findings for P1, P2, and D7: The site lies within the Albina Community Plan District and the Eliot Conservation District. The Community Design Guidelines document states that the *P1* guideline can be met by: "Respecting the few remaining structures that have association with Albina's African American community" and "Using architectural details that are found in the surrounding buildings." The Community Design Guidelines document states that the *P2* guideline can be met by "Incorporating architectural details of the surrounding historic buildings." The proposed building accomplishes these missions. The building will feature the same color brick as the adjacent historic Rinehart Building on the majority of its front façade. Lighter-colored brick will be placed in two narrow horizontal bands on the front façade, to align with two horizontal bands of corbelled brick on the north façade of the Rinehart Building. In addition to respecting the Rinehart Building by incorporating its architectural detailing, the new building is respectful in its rear placement and exceptionally small footprint, allowing the Rinehart Building to retain its rightful status as the primary structure on the site. Lastly, generally speaking, the new building incorporates the details of other surrounding buildings in that it features masonry materials, abundant glazing on the front façade, strong ground-floor differentiation, punched window openings, and entry doors facing the street. *Therefore these guidelines are met.*

E3. The Sidewalk Level of Buildings.

Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street-level facades.

E5. Light, Wind, and Rain.

Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

Findings for E3 and E5: The new building creates a sense of ground-level enclosure and visual interest, provides weather protection, and has a strongly differentiated street-level façade, as follows:

- The new building has a metal canopy along the vast majority of the ground floor, with entry doors and large windows below and operable transom windows above.
- A wall sconce light fixture is located on the pilaster at the east end of the front façade, aligned with the transom windows.
- The building has a continuous concrete base along the front façade.
- Changes in the color and patterning of the brick cladding – in the form of narrow horizontal areas of lighter-colored brick – divide the front façade into base, middle, and top.

Therefore these guidelines are met.

D1. Outdoor Areas.

When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians.

D3. Landscape Features.

Enhance site and building design through appropriate placement, scale, and variety of landscape features.

Findings for D1 and D3: The placement and footprint of the proposed duplex maintain a walkway along the west façade of the Rinehart Building (between the Rinehart Building and the new duplex). This walkway will provide access to an area with pervious pavers where a flow-through stormwater planter will be located. The planter will be located adjacent to entry doors for the trash room and long-term bike parking, located in the new duplex. In addition to this ground-level outdoor area, the new duplex will have a sizable second-floor terrace/balcony at the rear façade. *Therefore these guidelines are met.*

D2. Main Entrances.

Make the main entrances to houses and buildings prominent, interesting, pedestrian-accessible, and transit-oriented.

Findings for D2: The entry door for each residential unit directly faces N Monroe Street. The doors are glazed and are highlighted by a metal canopy. *Therefore this guideline is met.*

D5. Crime Prevention.

Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground-level uses, and outdoor areas.

Findings for D5: The building features abundant glazing facing the street, in the form of glazed entry doors, ground-floor windows, transom windows, and large windows at the upper floors. The rear façade also has glazing located at the second and third floors. The rear façade also features a second-floor balcony/terrace. The building has wall sconce lighting on the north (front) façade and on the east façade, which faces the walkway between the Rinehart Building and the new duplex. All of these features can help to reduce the likelihood of street crime. *Therefore this guideline is met.*

D8. Interest, Quality, and Composition.

All parts of a building should be interesting to view, of long-lasting quality, and designed to form a cohesive composition.

Findings for D8: The proposed building is visually interesting, high-quality, durable, and designed to form a cohesive composition, as follows:

- The building strikes a balance that is often difficult to achieve for new construction in a historic context: It incorporates characteristics of the Rinehart Building so that it is respectful of its historic neighbor, but it does so without resorting to faux historicism. The new building is of the same height as the Rinehart Building and features brick cladding of the same color and proportions as the Rinehart Building, two narrow horizontal rows of lighter-colored brick that align with narrow rows of corbelled brick on the Rinehart Building, entry doors facing the street, punched window openings, and has strongly defined floor levels like its neighbor. However, the new building has aluminum-clad windows, areas of metal-panel cladding, a metal canopy, and an eco-roof. The style of the new building is simple, with clean lines and very little ornamentation. Thus the new building is consistent with the Rinehart Building but also exudes Modern style and uses modern building materials that sufficiently differentiate it from its historic neighbor and other historic buildings in the Eliot Conservation District.
- The building forms a cohesive composition by virtue of its consistently punched window openings, strongly defined floor levels, usage of only a few different primary building materials (metal, brick, and fiber-cement lap siding), and largely symmetrical front façade.

- The building employs high-quality, durable materials that impart a sense of permanence, including aluminum-clad wood doors and windows, 4-inch brick veneer, concrete base, fiber-cement lap siding, and Alucobond® metal panel cladding (or similar), which consists of double-layer aluminum panels thermo-bonded to a polyethylene core.

With the condition of approval that the metal panel cladding be Alucobond® or a similar product comprised of rigid aluminum panels with a solid core material, and a condition of approval that the base of the building be concrete, 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. The proposed new duplex building strikes a balance that is often difficult to achieve for new construction in a historic context: It incorporates characteristics of the Rinehart Building so that it is respectful of its historic neighbor, but it does so without resorting to faux historicism. The new building is visually interesting, high-quality, durable, and designed to form a cohesive composition. The proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.


ADMINISTRATIVE DECISION

Approval of a new three-story duplex building at the site of the historic Rinehart Building, located in the Eliot Conservation District.

Approval per the approved plans and drawings, Exhibits C-1 through C-8, signed and dated August 18, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 14-160919 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The metal-panel cladding shall be Alucobond® brand or a similar product comprised of rigid aluminum panels with a solid core material.
- C. The base of the building shall be concrete.
- D. No field changes allowed.

Staff Planner: Kate Marcello

Decision rendered by:  **on August 18, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 21, 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 May 23, 2014, and was determined to be complete on **June 23, 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 May 23, 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 extended by the applicant, **the 120 days will expire on October 21, 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.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 4, 2014** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 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.

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 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 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 **September 5, 2014 (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.

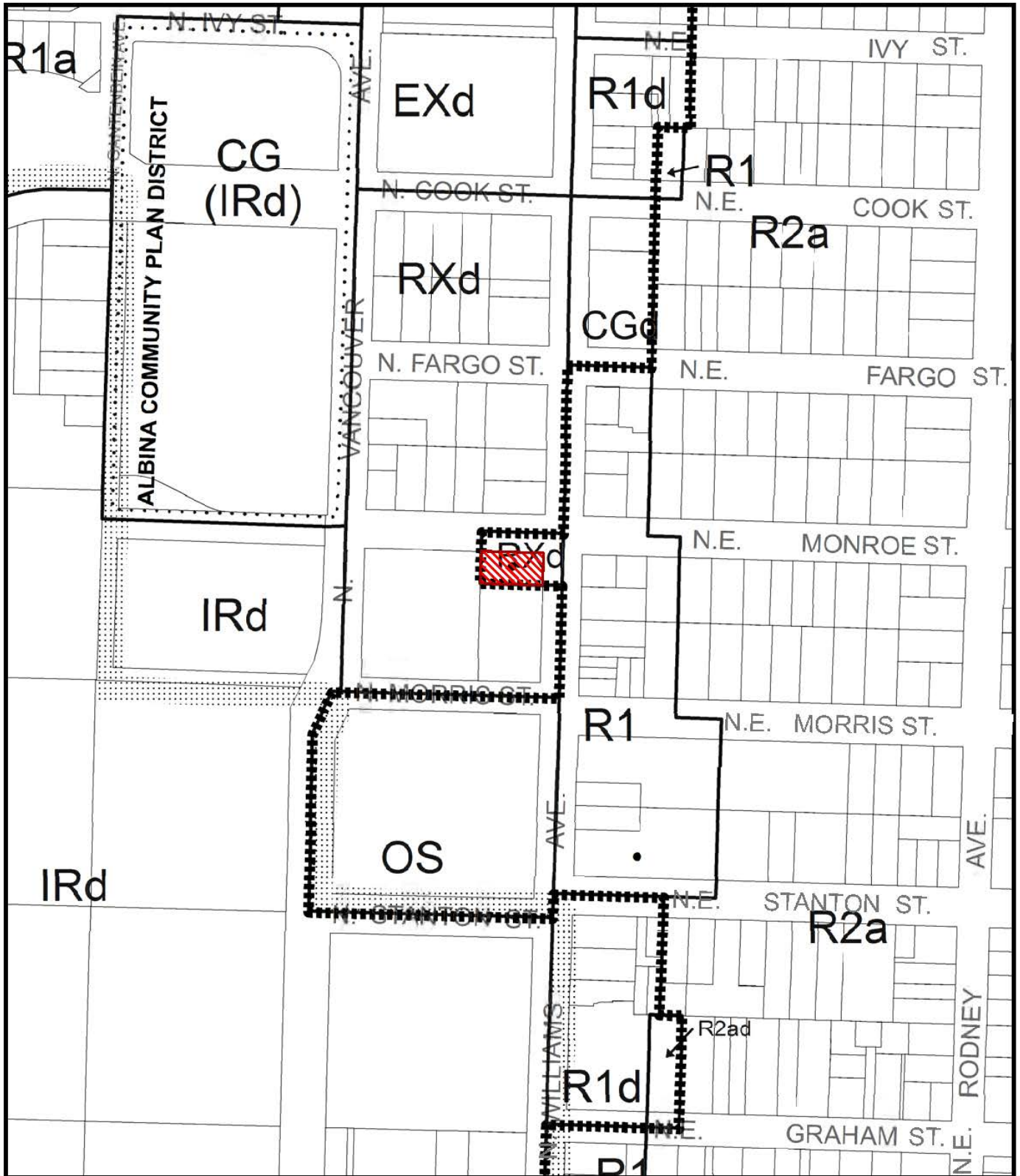
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 (attached)
 - 2. First Floor Plan
 - 3. North Elevation Drawing with Photo of North Elevation of Rinehart Building (attached)
 - 4. South, East, and West Elevation Drawings (attached)
 - 5. 3-D Renderings of Proposed Building and Rinehart Building (North Elevations)
 - 6. 3-D Renderings of Proposed Building and Rinehart Building (South Elevation and Southwest View)
 - 7. Detailed Section Drawings
 - 8. Manufacturer's Cut sheet for Alucobond® metal panels
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Urban Forestry Division of Portland Parks & Recreation
 - 3. Development Review Section of Portland Bureau of Transportation
 - 4. Life Safety/Building Code Section of BDS
 - 5. Site Development Review Section of BDS
 - 6. Portland Water Bureau
 - 7. Portland Fire & Rescue
- F. Correspondence:
 - 1. Mike Warwick, Chairperson of Land Use Committee of Eliot Neighborhood Association; response received via e-mail on 15 July 2014; in favor of proposal
- G. Other:
 - 1. Original Land Use Review Application
 - 2. Site Visit Photos
 - 3. Manufacturer's Cut sheet for Finex Panels (proposed but not approved for base of building)
 - 4. Stormwater Management Project Information Worksheet
 - 5. Early Assistance Memo associated with the project (EA 14-128640)
 - 6. Property Location Map and Photos of Rinehart Building (submitted by applicant)

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



This site lies within the:
ALBINA COMMUNITY PLAN DISTRICT

| | |
|-------------|-------------------|
| File No. | LU 14-160919 HR |
| 1/4 Section | 2730 |
| Scale | 1 inch = 200 feet |
| State_Id | 1N1E27AB 13600 |
| Exhibit | B (May 28, 2014) |

