



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor  
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**Date:** June 25, 2019  
**To:** Interested Person  
**From:** Tanya Paglia, Land Use Services  
503-823-4989 / [Tanya.Paglia@portlandoregon.gov](mailto:Tanya.Paglia@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 mailed copy of this document is only a summary of the decision. 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 19-150752 HR – TWO ROOFTOP MECHANICAL UNITS**

#### **GENERAL INFORMATION**

**Applicant:** Narges Shams | Richard Brown Architect  
239 NW 13<sup>th</sup> Ave | Portland, OR 97209  
[shams@rbarch.com](mailto:shams@rbarch.com), (503) 223-4957

**Owner:** 714 NE Hancock LLC  
819 SE Morrison St. #110 | Portland, OR 97214

**Party of Interest:** Jeffery Weitz | North Rim Development  
819 SE Morrison. Ste 110 | Portland, OR 97214

**Site Address:** **1836 NE 7TH AVE**

**Legal Description:** BLOCK 252 LOT 1-4&8, HOLLADAYS ADD  
**Tax Account No.:** R396218370  
**State ID No.:** 1N1E26CC 06500  
**Quarter Section:** 2831  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** None  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.

**Plan District:** Albina Community  
**Other Designations:** Contributing Resource in the Irvington Historic District  
**Zoning:** **EG1** – General Employment 1 with Historic Resource Protection 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 for a proposal to add two new rooftop mechanical units on the Dennis Uniform Company / Mont Blanc Building. The single-story building located at 1808 & 1836 SE 7<sup>th</sup> Avenue is actually a series of buildings, two of which were constructed in 1913 and 1928 for factory and machine shop uses. A hood exhaust fan that is 4'-5 ¾" tall will be located 21'-9" inbound (north) of the roof edge of the building's NE Schuyler St frontage. A hood make-up air unit that is also 4'-5 ¾" will be further inbound (north) of the exhaust fan. The roof has a 1'-6" tall parapet.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations in the Irvington 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:

- Criteria in Section 33.846.060.G *Other approval criteria* of the Portland Zoning Code

## ANALYSIS

**Site and Vicinity:** The subject building is part of a series of interconnected concrete buildings, which were built starting in 1913 and over the course of the early and mid-twentieth century, and subsequently named Mont Blanc Building complex. The single-story addition, located at the northeast corner of NE 7<sup>th</sup> Avenue and NE Schuyler Street, was built in 1928. The building complex is a contributing resource in the Irvington Historic District.

During the 1970s, the northern portion of the building (1836 NE 7th) underwent a major renovation, including the addition of interior truck loading bays and a second-floor office use. At that time, many of the original large, ground floor industrial style windows were removed, and the openings blocked in with concrete masonry units. Office and warehouse uses replaced the factory and machine shop uses as well. In 2014, a major renovation work was proposed to the Mont Blanc Building complex, and new storefront doors and windows, exterior lights, entry sign, and mechanical system were added to the 1928 building.

The site lies at the southwestern corner of the Irvington Historic District. Only a few other warehouse-type structures exist within the district, and they lie immediately to the north and south along NE 7<sup>th</sup> Avenue. None are contributing historic structures. To the immediate east of the subject site lies a series of attached houses and a pair of detached houses which are in commercial use. Slightly farther east are higher-density apartments of varying styles. These step-down in intensity across NE Hancock Street and transition into more single-dwelling detached houses interspersed with lower-density apartments. To the south, an assorted collection of detached houses with ground-level storefront extensions and streetcar commercial style storefronts line NE Broadway. NE Schuyler Street is designated as *Local Service Walkways, Local Service Bikeways, and Minor Emergency Response Streets*. NE 7<sup>th</sup> Avenue is designated as *Local Service Walkway, City Bikeway, and Minor Emergency Response Street*.

**Zoning:** The General Employment 1 (EG1) zone allows a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zone is on industrial and industrially-related uses. Other commercial uses are allowed to support a wide range of services and employment opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas. EG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverage and buildings which are usually close to the street. EG1 zoned lands will tend to be on strips or small areas. Minimum lot area is 10,000 square feet.

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.

The Albina Community Plan District implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling projects. The plan district's provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

**Land Use History:** City records indicate that prior land use reviews include the following:

- LU 62-028726 (Ref. #VZ 050-62): Approval to reduce the rear (east) and front (south) yards to zero feet, and to construct a 50' x 50' one-story addition.
- LU 87-027592 (Ref. #VZ 011-87): Approval to reduce the front yard to zero feet to construct a two-story addition to the east of the existing two-story building.
- LU 90-024527 (Ref. #PC 6274): The application was denied; however, no details are available.
- CO 01-130835: Permit to renovate second floor office and modify the parking lot landscaping.
- LU 14-254667: HR Approval of exterior alterations to the Mont Blanc Building.
- LU17-124257: HR Approval of exterior alterations to the Mont Blanc Building.
- LU 18-187676: HR Approval of a new overhead garage door and exterior light on the south elevation

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **May 21, 2019**. The following two Bureaus, Divisions and/or Sections responded with no objections and one of these included comments found in Exhibit E1:

- Fire Bureau (Exhibit E.1)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **May 21, 2019**. 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 within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore, Historic Resource 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**

- 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.
- 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.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 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.
- 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.
- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.
- 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, 2, 3, 4, 5, 7, 8, 9 and 10:** Given the minimal size and scope of the proposed alterations and their location being confined to the roof, set back from the roof's edge, the project will not detract from the historic character of this contributing resource in the Irvington Historic District. The Mont Blanc existing building complex superstructure is the primary historic feature remaining on the site. They are simple industrial buildings with very little historic detailing. Most of the once-existing architectural detailing, such as historic steel sash windows and roll-up doors, was removed decades ago. The existing structure and material will remain in place and the essential form of the historic resource will remain intact. The integrity of the resource will be preserved with the proposed alterations, and the building will remain a physical record of its time, place and use. The project will not alter any changes made over time that have acquired historical significance.

Conjectural features or architectural elements from other buildings that create a false sense of historical development will not be added. The elements of the project could be removed in the future without impacting the form and integrity of the building.

While the proposed rooftop units are of a taller height than the building's parapet, they will not be visible from adjacent sidewalks because of how far they are set back from the building's edges. They will remain out of pedestrian site-lines, making no visual impact on the pedestrian realm. The proposed design will thus be compatible with the original resource's features. In the same way, the exterior alterations will be compatible with the adjacent properties and the rest of the district. Overall the proposed work will not visually detract from the historic aesthetic of the subject resource, adjacent properties and 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 requirements of Title 11 can be met, and 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 proposed alterations are a minimal change on the roof of the building and do not adversely impact the character defining features of the property. The project will not detract from the Mont Blanc complex's role as a contributing resource in the Irvington Historic District. 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 two new rooftop mechanical units on the Dennis Uniform Company / Mont Blanc Building, per the approved site plans, Exhibits C-1 through C-2, signed and dated 6/20/2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) 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 19-150752 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

**Staff Planner: Tanya Paglia**



**Decision rendered by:** \_\_\_\_\_ **on 6/20/2019.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: 6/25/2019**

**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 April 17, 2019, and was determined to be complete on May 16, 2019.

*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 April 17, 2019.

*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: 9/13/2019.**

**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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **6/25/2019** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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:

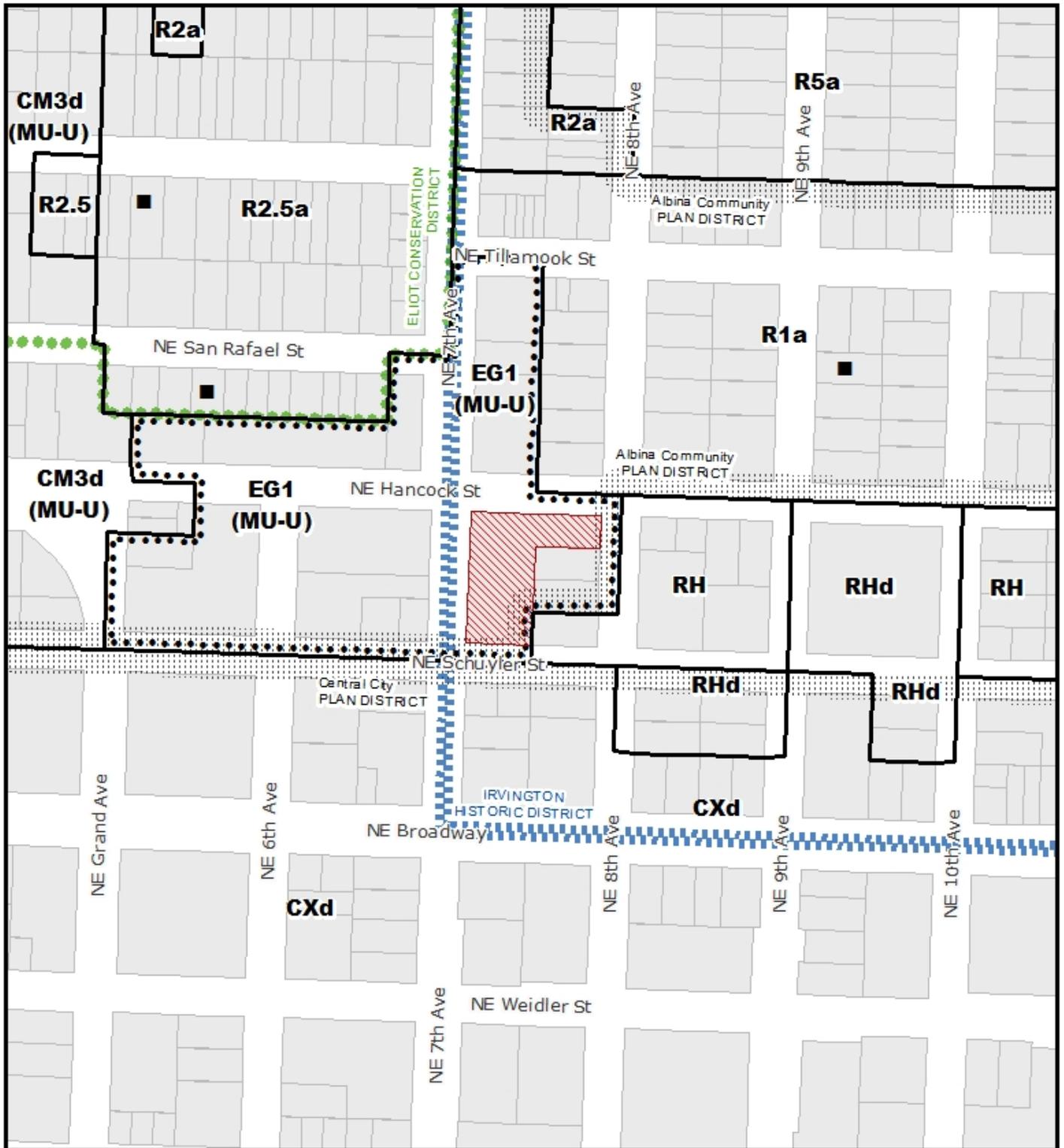
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
  - 1. Applicant's Project Narrative and Response to Approval Criteria
  - 2. Original Plans with less detail, 4/17/2019
  - 3. Rooftop Unit Cutsheets
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan/Roof Plan/Roof Section (attached)
  - 2. Rooftop Sightline Views (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Fire Bureau
- F. Correspondence: None received
- G. Other:
  - 1. Original LU Application
  - 2. Oregon Historic Site Record

**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

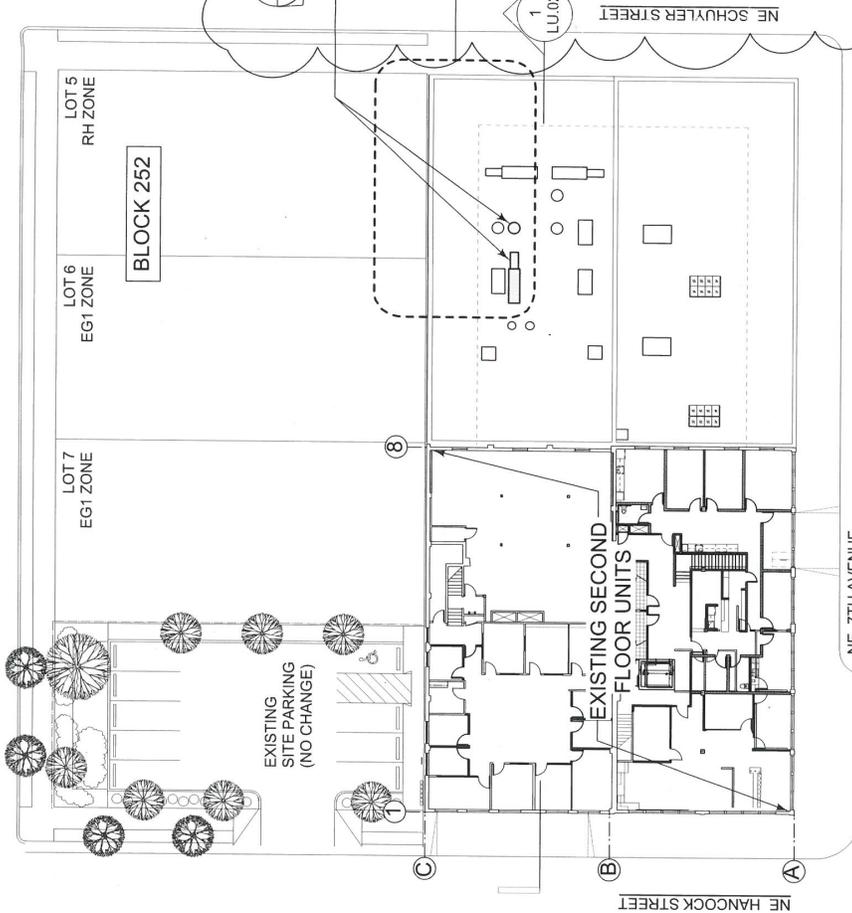
NORTH

THIS SITE LIES WITHIN THE:  
 ALBINA COMMUNITY PLAN DISTRICT  
 IRVINGTON HISTORIC DISTRICT

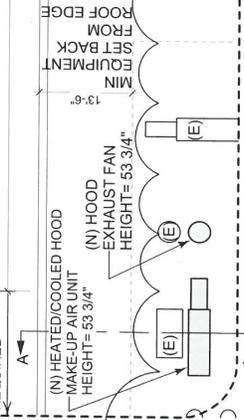
-  Site
-  Historic Landmark

File No.	LU 19-150752 HR
1/4 Section	2831
Scale	1 inch = 200 feet
State ID	1N1E26CC 6500
Exhibit	B Apr 19, 2019

**LOT DESCRIPTION**  
 PROPERTY I.D. R182542  
 BLOCK 252, LOTS 1,2,3,4,8  
 ZONING INFO: EG1  
 -ZONE N/A  
 -OVERLAY EG1(MU-U)  
 -BASE OVERLAY  
 COMBINATION  
 -PLAN DISTRICT ALBINA COMMUNITY DIST.  
 -HISTORIC DISTRICT IRVINGTON HISTORIC DIST.  
 PARCELL SIZE: 20,000SF + 5,000SF PARKING

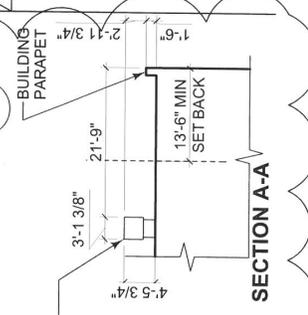


**NEW ROOFTOP UNITS**  
 ALL OTHER ADJACENT LOTS (EG1 ZONE), NO SCREENING OF ROOFTOP UNITS REQUIRED  
 LOT 5 (RH ZONE), V.I.F. ALL ROOFTOP UNITS WITHIN 50' OF LOT LINE, SET BACK FROM ROOF RIDGE MIN. 3' PER 1' OF UNIT HEIGHT.



**2 2ND FLOOR PLAN ENLARGED**  
 Scale: 1/16" = 1'-0"

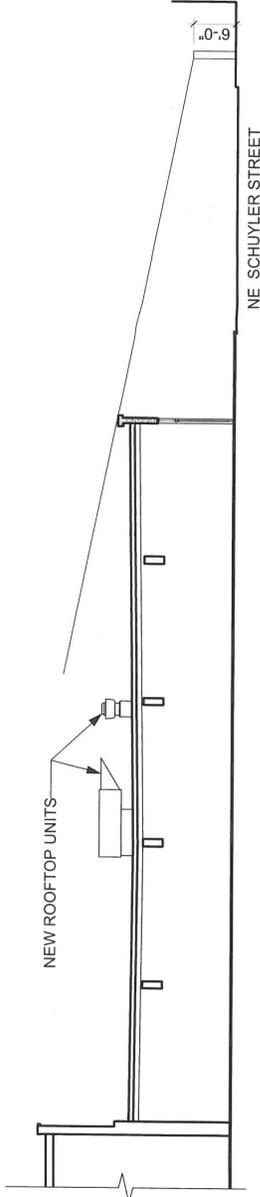
**NEW EQUIPMENTS:**  
 THE UNITS WILL BE ABOUT 4'-6" TALL INSTALLED BASED ON SECTION 33.140.235.C-3 THE EQUIPMENTS ARE REQUIRED TO BE AT LEAST 13'-6" AWAY FROM BUILDING EDGE. THE PROPOSED UNITS WILL BE INSTALLED 21'-9" AWAY FROM THE BUILDING EDGE.



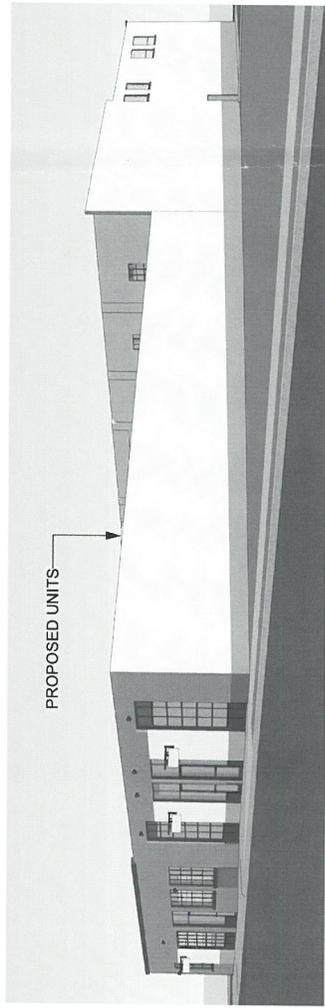
**1 SITE PLAN**  
 Scale: 1" = 30'-0"

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner: [Signature]  
 Date: 6/20/2019  
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

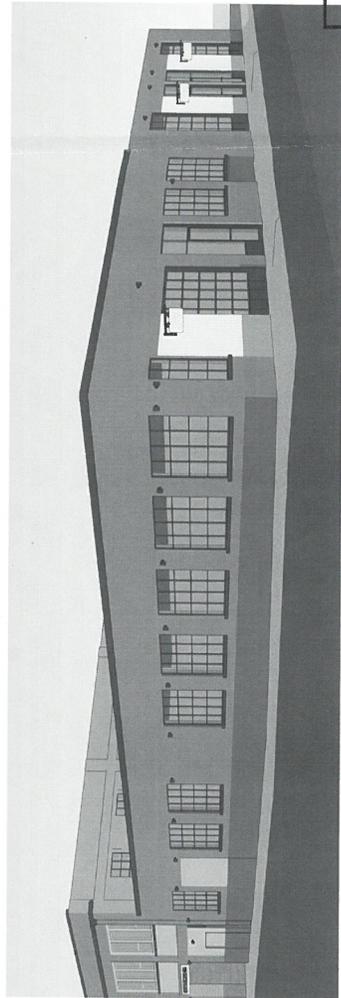
LU 19-15075



1 BUILDING SECTION  
Scale: 1/16" = 1'-0"



2 OBLIQUE VIEW FROM SOUTH EAST SIDE OF PROPERTY  
Scale: 3/4" = 1'-0"



3 OBLIQUE VIEW FROM SOUTH WEST SIDE OF PROPERTY  
Scale: 3/4" = 1'-0"

LU 19-150752 HR

**RB/A**  
Richard Brown Architect AIA  
Portland, OR 97209  
P 503.222.3233



MONT BLANC  
BUILDING  
SUITE 106 ROOFTOP  
ADDITION  
1836 NE 7TH AVE  
PORTLAND, OREGON 97212  
RBA PROJECT #14028  
DESCRIPTION DATE  
PERMIT SET 2019.04.17  
REVISION #1 2019.05.15

LU-02  
1

\*Approved\*  
City of Portland - Bureau of Development Services  
Planner CE Date 6/20/2019  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.