



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

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FINAL FINDINGS AND DECISION BY THE LANDMARKS COMMISSION RENDERED ON January 13, 2020

CASE FILE NUMBER: LU 19-244372 HRM
PC # 19-172122

Unicorn Bed Apartments

BUREAU OF DEVELOPMENT SERVICES STAFF: Hillary Adam 503-823-3581 /
Hillary.Adam@portlandoregon.gov

The Historic Landmarks Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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.

GENERAL INFORMATION

Applicant: David Horsley, Architect 503-388-3680
Dao Architecture LLC
310 SW 4th Ave St 810
Portland, OR 97204

Party of Interest: Anna Mackay
Guerilla Development
2500 NE Sandy Blvd St C
Portland, OR 97232

Owner: 2167-2171 NW Glisan Llc
141 SE 52nd Ave
Portland, OR 97215

Site Address: 2171 NW GLISAN ST

Legal Description: BLOCK 18 W 10' OF LOT 12 E 40' OF LOT 13, KINGS 2ND ADD
Tax Account No.: R452303060
State ID No.: 1N1E33CA 00900
Quarter Section: 3027

Neighborhood: Northwest District, contact Greg Theisen at 503-227-5430.
Business District: Nob Hill, contact Nob Hill at nobhillportland@gmail.com.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest
Other Designations: Non-contributing resource in the Alphabet Historic District

Zoning: RH – High Density Residential with Historic Resource Protection overlay

Case Type: HRM – Historic Resource Review with Modifications

Procedure: Type III, with a public hearing before the Historic Landmarks Commission. The decision of the Historic Landmarks Commission can be appealed to City Council.

Proposal:

Type III Historic Resource Review for a new multi-dwelling two-building development that would contain 13 two-bedroom units and an additional unit which is intended to be an on-site daycare space for residents but could potentially be converted as a 14th residential unit. Exterior materials include concrete foundation, wood lap siding, aluminum-clad windows, standing seam metal roofing, and laser-cut metal railings.

Modifications are requested to:

1. 33.120.215 – Height: To increase the maximum height of the portion of the building within 10' of the street lot line from 25' to 31'-9";
2. 33.120.220 – Setbacks: To reduce the minimum side setbacks from 7'-0" to 6'-10" on the west for the front building and from 7'-0" to 5'-1" on the east for the rear building;
3. 33.120.235 – Landscaped Areas: To reduce the total number of trees provided on site from 2 large trees and 13 small trees to 2 large trees and 10 small trees, 3 of which are variably considered to be shrubs; and
4. 33.120.255 – Pedestrian Standards: To reduce the widths of portions of the pathways from the required 5'-0" to 3'-0", 3'-6", and 3'-9".

Historic Resource Review is required because the proposal is for new development within the Alphet Historic District. Modification review is required because the applicant is requesting deviations from the development standards.

Relevant Approval Criteria:

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

- Community Design Guidelines
- Historic Alphet District: Community Design Guidelines Addendum
- 33.846.070, Modifications Considered During Historic Resource Review
- 33.445, Historic Resource Protection Overlay Zone
- 33.846, Historic Reviews

ANALYSIS

Site and Vicinity: The subject property is a 5,000 square foot property oriented south on NW Glisan in the Alphet Historic District. The site is currently occupied by a 2-story wood-frame triplex constructed in 1979. The existing building is set back from the street with a small surface parking lot occupying the front yard. To the west of the site is a 5-story 1911 brick apartment building, a contributing resource. To the east is a series of three wood-frame buildings long since converted into multi-unit apartment buildings, constructed in 1886, 1908, and 1907, as well as a 1928 3-story brick apartment building, all contributing resources. Immediately north of the site is a 4-story 1910 brick apartment building. South of the site, across NW Glisan Street is the surface parking lot for the Trader Joe's grocery store. Nearby development is generally a mix of 4- to 5-story masonry apartment buildings and 2- to 3-story wood frame residential buildings. Commercial properties line nearby 21st Avenue.

The Alphabet Historic District is an area of Portland significant for its concentration of intact late 19th and early 20th Century, mostly middle class, housing stock and small-scale commercial buildings. Of special note are the many mid-sized apartment and institutional buildings. Many of these are in the various Period Revival styles, e.g. Tudor, Spanish Colonial, Byzantine, Jacobean, etc. and this is especially the case in the immediate vicinity of the proposed new development. The area is characterized by a grid of narrower, more tree-lined, east-west residential streets, named alphabetically after prominent Portlanders of the day, which are crossed by generally more robust north-south avenues. Two of these, NW 21st Avenue and NW 23rd Avenue are low-scale business corridors featuring a mix of purpose-built commercial structures and converted houses.

Zoning: The High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

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 Northwest Plan District implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter: promote housing and mixed-use development; address the area's parking scarcity while discouraging auto-oriented developments; enhance the pedestrian experience; encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Notice of proposal in Your Neighborhood" was mailed **December 23, 2019**. The following Bureaus responded with comments or concerns:

The Site Development Section of BDS responded with the following comment: "It may be determined that additional geotechnical information is required following our review of the building permit application." Please see Exhibit E-1 for additional details

The Bureau of Environmental Services originally responded with the following comment: "BES does not recommend approval of the design review. Although there are no BES-specific approval criteria, the applicant should submit a plan that shows approvable stormwater

management facilities. Because required stormwater facilities can affect the design and layout of the site, the applicant must account for them in their application.” Please see Exhibit E-2 for additional details. BES then submitted a revised response on January 7, 2020, indicating that “BES has determined that sufficient information has been provided to demonstrate a feasible stormwater management plan for this project”. See Exhibit E-7.

The Bureau of Transportation Engineering responded with the following comment: “There are no transportation-related approval criteria associated w/this DR - PBOT has no objections. The applicant will be required to close the existing curb-cut/driveway and re-construct the existing sidewalk to the satisfaction of the City Engineer as identified in EA 19-172122.” Please see Exhibit E-3 for additional details.

The following Bureaus have responded with no issue or concerns:

- Fire Bureau
- Life Safety Division of BDS
- Bureau of Parks-Forestry Division
- Water Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 23, 2019**. No written responses were received from either the Neighborhood Association or notified property owners in response to the proposal.

Procedural History: The application was submitted October 23, 2019. An incomplete letter was issued on November 13, 2019. The application was deemed complete on November 25, 2019 and a Notice of Proposal was issued on December 23, 2019. The first and only hearing was held on January 13, 2020; oral testimony was provided by Vicky Skryha, representing the Northwest District Association. The Historic Landmarks Commission approved the proposal 7-0 with no additional conditions.

ZONING CODE APPROVAL CRITERIA

(1) HISTORIC RESOURCE REVIEW (33.846)

33.846.060 Purpose

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

33.846.060 Historic Resource Review Approval Criteria

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

Findings: The site is a non-contributing resource in the Alphabet Historic District. Therefore, the proposal requires Historic Resource Review approval. Because the site is located within the Alphabet Historic District, the applicable approval criteria are the Community Design Guidelines and the Historic Alphabet District: Community Design Guidelines Addendum.

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 Alhabet Historic District and the proposal is for a non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are the *Community Design Guidelines* and the *Historic Alhabet District Community Design Guidelines Addendum*.

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

Historic Alhabet District - Community Design Guidelines Addendum

ABC-1. Historic Changes. Most properties change over time; those changes that have acquired historic significance will be preserved.

Findings: The existing non-contributing resource has not acquired historic significance. *This guideline is not applicable.*

ABC-2. Differentiate New from Old. New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.

Findings: The Alhabet Historic District is distinguished by its concentration of intact multi-dwelling apartment structures dating from the historic period – 1880-1940. Apartment building in the district vary from 1- to multi-story garden courtyard apartments to block apartments that occupy the majority of their lots to converted single-family structures. The subject property is located between a formal apartment building on the west and several converted single-family dwelling structures to the east. The incorporation of the two-building 13-unit proposal is compatible with the multi-family development pattern of the district though differentiated through its unique site planning. The purpose of the two-building development is to ensure corner unit access to light and air for each unit. While this approach diverges from the historic pattern of a single block structure per lot, the impact of this distinction on the district is negligible as the development presents itself in a compatible way at the street edge with the second building at the rear mostly obscured by the first as well as supplemental landscaping. *This guideline is met.*

ABC-3. 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. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alhabet District.

Findings: The proposed building surpasses the existing structure in its compatibility with the district in that it has a stronger street presence and replaces a surface parking lot with a compatible building. The proposed building also provides a compatible transition between the 5-story massive brick apartment building to the west and the smaller wood-framed converted houses to the east. The building provides this transition in both elevation and plan, stepping down and back from the larger brick apartment building in the direction of the shorter and further recessed converted house. The proposed buildings merge the blockiness of the large apartment building with the materiality and finer detailing of the converted house. *This guideline is met.*

Community Design Guidelines

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

Findings: The Community Design Guidelines suggest that this guideline could be met in the Northwest District Plan in the following ways: continuing the area's established pattern of partial block massing through means such as: separate structures, courtyards, setback variation, vertical projections, or recessed areas. The proposed building employs several of these strategies including the use of separate structures, variations in the setback, and the use of pocket courtyards and recessed areas where landscaping is used to soften the development. *This guideline is met.*

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.

Findings: This site is located within the Alphabet Historic District, hence this review. The proposed building will enhance the identity of the historic district by replacing an incompatible non-contributing resource and surface parking lot adjacent to the sidewalk with new compatible development. The design of the buildings also enhances the character of the district through compatible elements such as front porches on the front building and decorative metalwork on the exposed stair corridors. In addition, the site will be landscaped to continue the relatively lushness of the district's unbuilt portions. *This guideline is met.*

P3. Gateways. Develop or strengthen the transitional role of gateways in adopted community and neighborhood plans.

Findings: The subject property is located midblock, well within the interior of the Alphabet Historic District and is not a designated gateway location. *This guideline is not applicable.*

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

Findings: The sidewalk will be rebuilt as required by PBOT standards, ensuring continuity of the sidewalk at this location. No vehicle access is proposed on the site; therefore, no conflicts between pedestrians and vehicles are anticipated. *This guideline is met.*

E2. Stopping Places. New large-scale projects should provide comfortable places along pedestrian circulation routes where people may stop, visit, meet, and rest.

Findings: The proposed development is not a large-scale project but rather a relatively small development comprised of 13 residential units. *This guideline is not applicable.*

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 features, creating effective gathering places, and differentiating street level facades.

Findings: The sidewalk level of the front 3-story building is distinguished from that of the rear building in that it features a 2-story front porch which adds interest to the

façade, as well as opportunity for outdoor gathering spaces. The porches will provide additional interest through the use of the same decorative laser-cut metalwork that is to be used on the exposed stair towers. *This guideline is met.*

E4. Corners that Build Active Intersections. Create intersections that are active, unified, and have a clear identity through careful scaling detail and location of buildings, outdoor areas and entrances.

Findings: The subject property is not located on a corner. *This guideline is not applicable.*

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: The proposed buildings are set back from the sidewalk edge to enhance their residential character and serve as a transition between the two adjacent buildings. The remainder of the site will feature landscaping which will help to mitigate the effects of sun, wind, and rain on the site and on adjacent properties. The addition of two street trees will also help to mitigate the effects of sun, wind, and rain on passing pedestrians. *This guideline is 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 & D3: The proposed development is broken into two separate buildings, which are staggered in their positioning on the site. This stagger allows for distinct pockets of landscaping. The site features two separate accessible pathways which provide access to the ground level units and the on-site daycare space for use by residents. Landscaping is grouped for effective shading and interest and a bench and small outdoor play area are proposed near the east and west pathways, respectively. The proposed development balances the needs for building area and landscaping. *These guidelines are met.*

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian-accessible, and transit-oriented.

Findings: The proposed development features many main entrances. One unit faces the street and has an entry at the first-floor front porch, as well as at the side. The ground level entrances on both buildings are accessible to all and feature simple canopies and sconce lighting to mark the entry and provide weather protection and illumination. The other units are accessed via exposed stairs which have added interest through the use of decorative laser-cut metalwork which adds a unique flair to the proposed buildings. *This guideline is met.*

D4. Parking Areas and Garages. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings: No parking areas or garages are proposed. *This guideline is not applicable.*

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: The proposal features a gate only at the rear of the property where the outdoor daycare play area is proposed. Safety is considered through the use of bollard and sconce lighting as well as up-lighting for trees and a generous number of windows on all sides of each building. The use of porches at the front also will encourage outdoor activity at the front of the site thus providing additional opportunities for “eyes on the street”. *This guideline is met.*

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: The existing building will be demolished to allow for the proposed development. *This guideline is not applicable.*

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: The impact of the new development is mitigated by its various methods of ensuring compatibility with the district as a whole as well as its immediately adjacent neighbors. This two-building multi-dwelling development serves as a transition between the adjacent contributing resources by stepping down and back from the larger brick apartment building toward the smaller-scaled converted house. Because of its smaller scale, wood siding is proposed for the exterior cladding, fenestrated with extruded-aluminum-clad wood windows. The front building features a two-story front porch, a feature that is repeated on nearby contributing structures, even if sometimes added as a later alteration. The exposed stairs and porches feature decorative laser-cut metalwork which is reminiscent of some of the elevated ironwork on some fire escapes in the district; this added element harkens to the period of significance when buildings were generally designed with greater consideration of craft than many contemporary buildings. *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: The proposed buildings will feature quality materials and detailing with a high level of attention to detail. Care is taken with the articulation of design features including 4”+ recessed windows, a simple articulated cornice, whimsical laser-cut metalwork attached to steel porch and stair columns, simple and modest signage with integrated and concealed lighting, and simple metal canopies. The design is coherent and simple, yet thoughtful and demonstrates a high level of craft. *This guideline is met.*

(2) MODIFICATION REQUESTS (33.846)

33.445.050 Modifications that Enhance Historic Resources and 33.846.070 Modifications Considered During Historic Resource Review

The review body may grant modifications to site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the Historic Resource Review process. However, modification to a parking and loading regulation within the Central City plan district may not be considered through the Historic Resource Review process. Modifications made as part of Historic Resource Review are not required to go through a

separate adjustment process. To obtain approval of a modification to site-related development standards, the applicant must show that the proposal meets the approval criteria. Modifications to all other standards are subject to the adjustment process. Modifications that are denied through Historic Resource Review may be requested through the adjustment process.

The approval criteria for modifications considered during Historic Resource Review are:

A. Better meets Historic Resource Review approval criteria. The resulting development will better meet the approval criteria for Historic Resource Review than would a design that meets the standard being modified; and

B. Purpose of the standard.

1. The resulting development will meet the purpose of the standard being modified; or
2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

The following Modifications are requested:

1. 33.120.215 – Height: To increase the maximum height of the portion of the building within 10' of the street lot line from 25' to 31'-9".

Findings: Per 33.120.215.A, the height standards serve several purposes:

- They promote a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale of multi-dwelling development in the City's neighborhoods.

The proposed increase in height is limited to the front portion of the front building, which is located closer (at 8'-3") than 10' to the street lot line. See diagram #2 on Sheet App.5 to see the portion of the building subject to this Modification. Despite this Modification request and the request to reduce the setbacks, the proposed development is below the maximum development potential, with each of the 2-bedroom units less than 600sf in area. Encroaching into the 10' setback required for buildings taller than 25' allows for the proposal to meet the rear setback requirement and provide a reduced-width 3'-9" path between the two buildings. The request is modest and allows the building to be set closer to the street, similar to the converted houses two and three doors to the east, which better meets guideline D7 *Blending into the Neighborhood*. The proposal also meets the purpose of the standard in that the heights proposed, at the proposed distances from the street lot line, are reasonable relative to the adjacent structures and reflect the general scale of the neighborhood as the proposal serves as a transition from the large apartment building to the west to the smaller-scaled converted houses to the east. *Therefore, because the purpose of the standard is met and the approval criteria are better met, this Modification warrants approval.*

2. 33.120.220 – Setbacks: To reduce the minimum side setbacks from 7'-0" to 6'-10" on the west for the front building and from 7'-0" to 5'-1" on the east for the rear building.

Findings: Per 33.120.220, the building setback regulations serve several purposes. Those that are relevant include:

- They maintain light, air, separation for fire protection, and access for firefighting;

- They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties; and
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity.

The Modification to the side setbacks includes a request to reduce the western setback by 0'-2" and the eastern setback by 1'-11". The proposal could be revised to meet the setbacks and avoid this request, however, including these requests allows for greater flexibility with the paths and landscaping. For instance, the 2" Modification on the west allows an ever so slightly more pleasant landscaped accessible path on the east. The 1'-11" Modification on the east provides a staggered building footprint which allows landscaping pockets on the west as well as outdoor play area at the proposed on-site daycare and at-grade patio for the lower level unit. These Modifications better meet D1 *Outdoor Areas* and D3 *Landscape Features* by allowing greater variety in the landscaped areas on site. The reduced setbacks still maintain access to light and air as well as separation for firefighting; staff notes that Code updates were recently adopted to reduce the side and rear setbacks in this zone to 5'-0" – these will be in effect on March 1, 2020. The proposed setbacks also promote a reasonable physical relationship with adjacent residences in this dense neighborhood. *Therefore, because the purpose of the standard is met and the approval criteria are better met, this Modification warrants approval.*

3. 33.120.235 – Landscaped Areas: To reduce the total number of trees provided on site from 2 large trees and 13 small trees to 2 large trees and 10 small trees, 3 of which are variably considered to be shrubs.

Findings: Per 33.120.235, "the standards for landscaped areas are intended to enhance the overall appearance of residential developments and institutional campuses in multi-dwelling zones. The landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the residents, and provides separation from streets. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater run-off by providing a non-paved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife."

The proposal nearly meets the landscape standard except that it is short on small trees and the three Boxleaf Azara at the rear may be considered large shrubs rather than small trees. As is noted above, the proposal is actually below its development potential despite the request to reduce several standards. The amount of landscaping provided is sufficient for the development proposed in that the landscaping balances the needs of stormwater management and trees for softening the overall proposal. Because of the difficulty of adding one additional tree and replacing the three Boxleaf Azara with a large tree, staff believes that D1 *Outdoor Areas* and D3 *Landscape Features* are better met by the proposal; reducing the total number of trees and the space necessary for planting trees allows some variety in the outdoor space and landscaping generally while still meeting the purpose of the standard, which includes stormwater management.

Therefore, because the purpose of the standard is met and the approval criteria are better met, this Modification warrants approval.

4. 33.120.255 – Pedestrian Standards: To reduce the widths of portions of the pathways from the required 5'-0" to 3'-0", 3'-6", and 3'-9".

Findings: Per 3.120.255, “the pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site.” Please see Figure #1 on Sheet App.5 for a diagram of the reduced pathway widths. The narrowest pathway at 3’-0” on the east arguably serves two individual units as the majority of users accessing the upper level units will likely utilize the stairs between the northbound and southbound zigzag. While this path could also serve those with bicycles, it is likely that many of those with bikes will also traverse the two steps between the paths rather than traveling the extra distance and rolling their bikes around the sharp turn at the north end. Both the west and east paths are generally 3’-6” wide and will serve 7 units and an on-site daycare at the rear and 6 units at the front. As has been noted, despite the multiple requests to reduce standards, the proposal is still below its development potential.

At the September 9, 2019 Design Advice Request (DAR), the Commission generally suggested a desire for wider paths, balanced with lush landscaping (see Exhibit A-5 for Summary); while the paths at the DAR were not dimensioned, they appear to be the same widths as the paths currently shown. No landscaping was shown at the DAR, but the landscaping shown now does appear to be lush, particularly on the east toward the street and at the west toward the rear. A 3’-6” path appears to be wide enough to navigate a bicycle and there are eddies where a person coming in the opposite direction could wait to pass if there was a conflict. Because two paths are required, and because landscaping and stormwater management are also required, the Commission is supportive of the reduced widths path because of the relatively low population of the development. The purpose is met in that the proposal includes safe attractive and usable paths offering multiple connections through the site. In addition, D1 Outdoor Areas and D3 Landscape Features are better met as the reduced width paths allow more landscaping and greater accessibility to be provided. *Therefore, because the purpose of the standard is met and the approval criteria are better met, this Modification warrants approval.*

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 proposed development provides a compatible infill development replacing an incompatible development, bringing more activity closer to the street and serving as a transition between the large apartment building to the west and the smaller-scaled development to the east. The proposed materials are compatible, and the proposed landscaping will help soften the introduction of new construction in the 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 modification criteria, therefore, the proposal warrants approval.

LANDMARKS COMMISSION DECISION

It is the decision of the Landmarks Commission to approve Historic Design Review for a new multi-dwelling two-building development in the Alphabet Historic District that would contain 13 two-bedroom units and an additional unit which is intended to be an on-site daycare space for residents but could potentially be converted as a 14th residential unit. Exterior materials include concrete foundation, wood lap siding, aluminum-clad windows, standing seam metal roofing, and laser-cut metal railings.

Approval of the following Modification requests:

1. 33.120.215 – Height: To increase the maximum height of the portion of the building within 10' of the street lot line from 25' to 31'-9";
2. 33.120.220 – Setbacks: To reduce the minimum side setbacks from 7'-0" to 6'-10" on the west for the front building and from 7'-0" to 5'-1" on the east for the rear building;
3. 33.120.235 – Landscaped Areas: To reduce the total number of trees provided on site from 2 large trees and 13 small trees to 2 large trees and 10 small trees, 3 of which are variably considered to be shrubs; and
4. 33.120.255 – Pedestrian Standards: To reduce the widths of portions of the pathways from the required 5'-0" to 3'-0", 3'-6", and 3'-9".

Approvals per Exhibits C.1-C.24, signed, stamped, and dated January 13, 2020, 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 4 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 19-244372 HRM". 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.

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By: 
Kristen Minor, Historic Landmarks Commission Chair

Application Filed: October 23, 2019
Decision Filed: January 14, 2020

Decision Rendered: January 13, 2020
Decision Mailed: January 17, 2020

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 October 23, 2019, and was determined to be complete on November 25, 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 October 23, 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 waived the 120-day review period, as stated with Exhibit A-6. Unless further extended by the applicant, **the 120 days will expire on: November 24, 2020.**

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. This report is the final decision of the Landmarks Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. Appeals must be filed by 4:30 pm on January 31, 2020 at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201. Please call the file review line at 503-823-7617 for an appointment.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

Upon submission of their application, the applicant for this land use review chose to waive the 120-day time frame in which the City must render a decision. This additional time allows for any appeal of this proposal to be held as an evidentiary hearing, one in which new evidence can be submitted to City Council.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. **An appeal fee of up to \$5,000.00 will be charged or one-half of the application fee for this case.**

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision.

Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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 **February 3, 2020** 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 must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

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

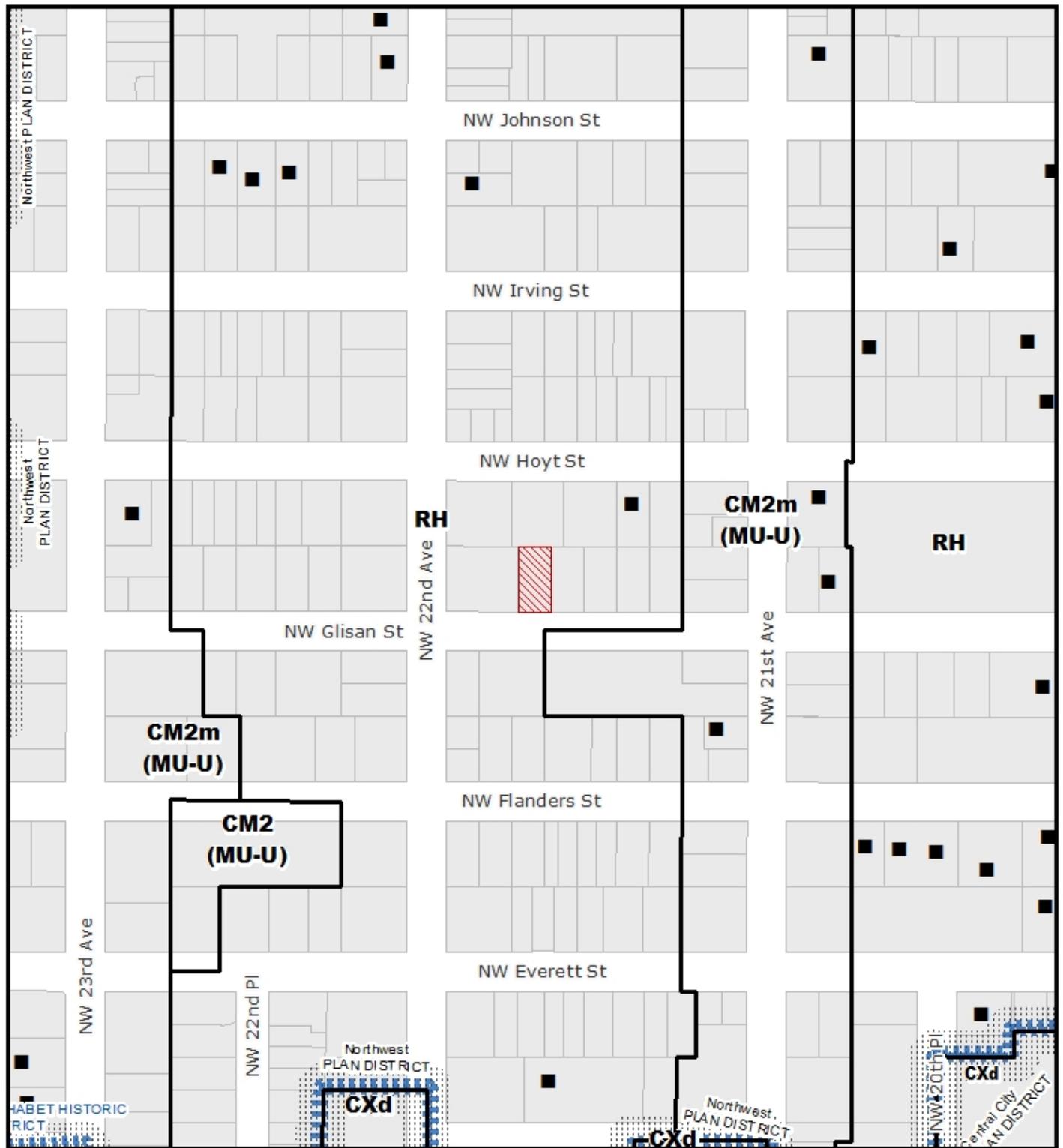
Hillary Adam
January 14, 2020

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).

EXHIBITS – NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Narrative
 2. Submittal Drawing Packet
 3. Pre-Application Conference Summary
 4. Stormwater Report
 5. DAR Summary, dated September 23, 2019
 6. 120-Day Waiver
 7. Revised Narrative, received November 25, 2019
 8. Revised Drawing Packet, received November 25, 2019
 9. Email from Sander Kohler, dated December 3, 2019

10. Revised Stormwater Report, dated January 3, 2020
- B. Zoning Map (attached)
- C. Plan & Drawings
 1. Site Plan (attached)
 2. Basement Plan
 3. Floor Plans
 4. Elevations (attached)
 5. Sections
 6. Window Details
 7. Balcony and Cornice Details
 8. Front Porch Details
 9. Door and address Signage Details
 10. Materials
 11. Rendered Landscape Plan
 12. Landscape Plan
 13. Landscape Schedule
 14. Tree Images
 15. Plant Images
 16. Lighting Plan and Images
 17. Stormwater Management Plan
 18. Service Details
 19. Renderings
 20. Vicinity and Context Map
 21. NW Glisan Context
 22. Precedent Images
 23. Modification Diagrams
 24. Supplemental Information
- D. Notification information:
 1. Request for response
 2. Posting letter sent to applicant
 3. Notice to be posted
 4. Applicant's statement certifying posting
 5. Mailed notice
 6. Mailing list
- E. Agency Responses:
 1. Site Development Review Section of BDS
 2. Bureau of Environmental Services
 3. Bureau of Transportation Engineering and Development Review
 4. Fire Bureau
 5. Life Safety Division of BDS
 6. Bureau of Parks, Forestry Division
 7. Revised BES Response, dated January 7, 2020
- F. Letters: none
- G. Other
 1. Original LUR Application
 2. Incomplete Letter, dated November 13, 2019
- H.
 1. Staff Report, dated December 31, 2019
 2. Staff Memo, dated December 31, 2019
 3. Revised Staff Report, dated January 7, 2020
 4. Staff Memo Addendum, dated January 7, 2020
 5. Replaced Sheets
 6. Staff Presentation, dated January 13, 2020
 7. Applicant Presentation, dated January 13, 2020
 8. Public Testimony Sign-In Sheet



ZONING

NORTH

NORTHWEST PLAN DISTRICT
ALPHABET HISTORIC DISTRICT

-  Site
-  Historic Landmark

File No.	LU 19 - 244372 HRM
1/4 Section	3027
Scale	1 inch = 200 feet
State ID	1N1E33CA 900
Exhibit	B Oct 25, 2019

OVERALL SITE AREA 4,998 SF

SETBACKS: REQUIRED PROVIDED

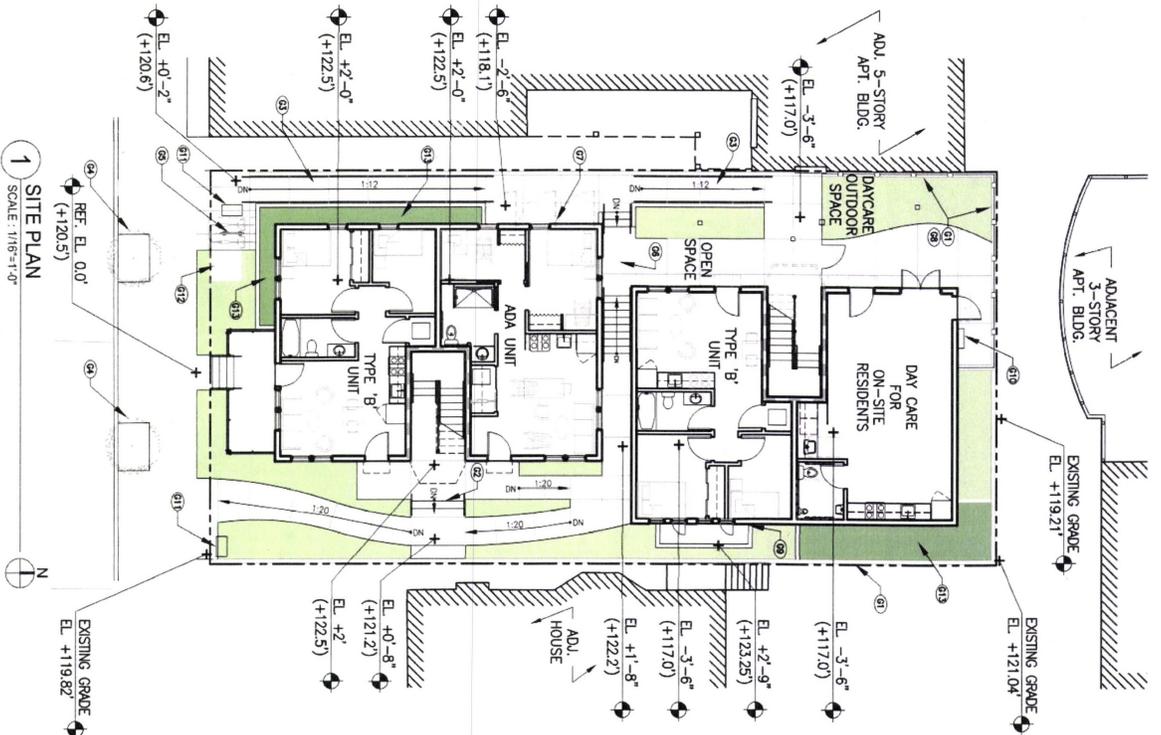
NORTH BLDG: REAR 5' (1,000sf WALL AREA) 5' 5'-1" *
 EAST 7' (1,326sf WALL AREA) 5'-1" * 14'-9" *
 WEST 6' 14'-9" * 13' 13' *
 SOUTH BLDG: EAST 6' 13' 13' *
 WEST 7' (1,363 sf WALL AREA) 6'-10" * 6'-10" *
 FRONT 10' (WHEN OVER 25' HGT.) 8'-3" * 8'-3" *

LANDSCAPE AREA: REQUIRED PROVIDED

 750sf 892sf

THE NUMBERS SHOWN ABOVE ARE FOR THE PROJECT'S PURE LANDSCAPING (SOFTSCAPE / PLANTED AREA) THE PROJECT PROVIDES AN ADDITIONAL HARDSCAPE OF 1504sf.

SECTION 33.120.235 ALLOWS 1/3 OF THE REQUIRED LANDSCAPE AREA TO BE ACTIVE OR PASSIVE RECREATIONAL USE, OR FOR USE BY PEDESTRIANS, SUCH AS WALKWAYS, PLAY AREAS, PLAZAS, PICNIC AREAS, AND OPEN RECREATIONAL FACILITIES, THUS EQUATING TO A MINIMUM OF 500SF OF PLANTING. THE PROJECT HAS NEARLY DOUBLE THE AMOUNT OF REQUIRED PLANTING, PLUS A LARGE AMOUNT OF PATHS, PLAZA, PLAY AREA, ETC., TO ENHANCE ACCESSIBILITY AND AS AN ADDED BENEFIT FOR THE RESIDENTS.



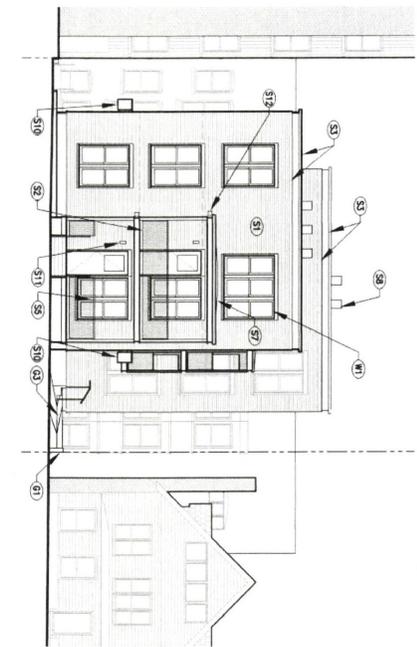
1 SITE PLAN
 SCALE: 1/8"=1'-0"

SITEPLAN NOTES

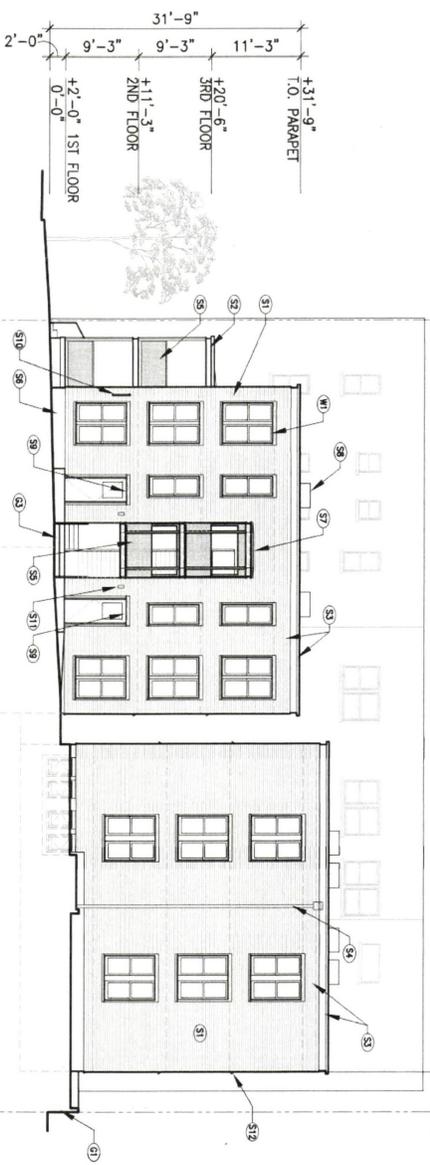
- G1 SITE PERIMETER RETAINING WALL
- G2 CONCRETE SITE STAIRS
- G3 CONCRETE SITE RAMP
- G4 NEW STREET TREE
- G5 SHORT-TERM BICYCLE PARKING SPACE
- G6 METAL MANHOLE COVER
- G7 TRASH/RECYCLING AREA WITH METAL SWINGING OR SLIDING GATES
- G8 FENCE
- G9 EGRESS WINDOW WELL
- G10 ELECTRICAL PANEL
- G11 MAILBOX
- G12 METAL FIRE LINE VAULT COVER
- G13 FLOW-THROUGH STORMWATER PLANTER

UNICORN BED APARTMENTS
GUERRILLA DEVELOPMENT | DAO Architecture LLC

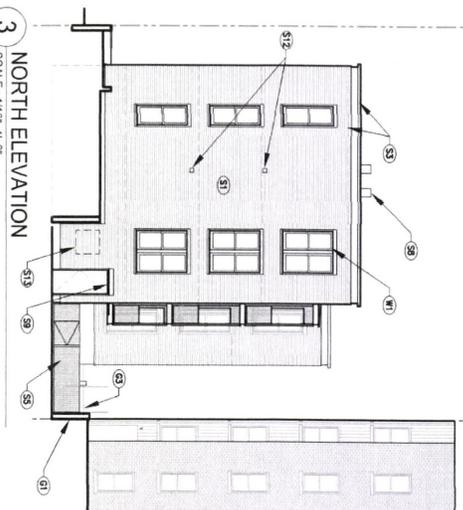
4 SOUTH ELEVATION
 SCALE: 1/16"=1'-0"



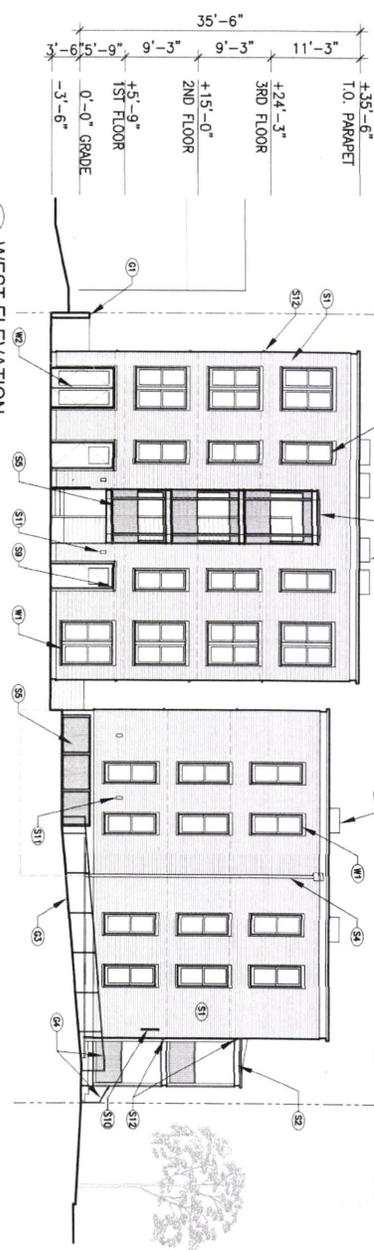
2 EAST ELEVATION
 SCALE: 1/16"=1'-0"



3 NORTH ELEVATION
 SCALE: 1/16"=1'-0"



1 WEST ELEVATION
 SCALE: 1/16"=1'-0"



- MATERIALS**
- (S1) WOOD LAP SIDING EXTERIOR CLADDING (SMOOTH, 5/16" X 4" EXP., PAINTED)
 - (S2) ENTRANCE PORCH, PAINTED-METAL C-CHANNEL FASCIAS
 - (S3) PAINTED METAL CORNICE ASSEMBLY & SINGLE-PLY ROOFING MEMBRANE
 - (S4) PAINTED METAL DOWNSPOUT AND COLLECTOR
 - (S5) LASER CUT STEEL PLATE RAILING/GATE ASSEMBLY
 - (S6) CONCRETE STEM WALL
 - (S7) STANDING-SEAM METAL ROOF
 - (S8) ROOF-MOUNTED SPLIT SYSTEM MECHANICAL UNIT
 - (S9) PAINTED BENT-METAL CANOPY AT UNIT ENTRIES
 - (S10) POWDER-COATED METAL BLADE ADDRESS SIGNAGE
 - (S11) WALL-MOUNTED SCONCE, TYP.- SEE SITE LIGHTING PLAN
 - (S12) PAINTED METAL VENT
 - (S13) ELECTRICAL PANEL- PRELIM. LOCATION
 - (W1) HIGH-PERFORMANCE ALUMINUM-CLAD WOOD WINDOWS, INSULATED, LOW-E GLAZING
 - (W2) PAINTED WOOD FRENCH DOOR
 - (G1) SITE PERIMETER RETAINING WALL
 - (G2) CONCRETE SITE STAIRS
 - (G3) CONCRETE SITE RAMP
 - (G4) PAINTED STEEL BAR HANDRAIL & STANCHIONS

Planner: *[Signature]*
 City of Portland - Bureau of Development Services
 Approved*
 HISTORICAL RESOURCE REVIEW LU 19-244372 HRM
 Date: 1/13/20
 REVISION: C-4

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