



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

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Date: June 11, 2021
To: Interested Person
From: Staci Monroe, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The 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 21-040102 HR – ROOF VENT

GENERAL INFORMATION

Applicant: Sarah Radelet | Strata Land Use Planning
PO Box 90833 | Portland OR 97290
sarah@stratalanduse.com

Owners: Megan Hull
1837 SW Elm St #6 | Portland, OR 97201

Association Of Unit Owners Of Heights Condo
1837 SW Elm St #1 | Portland, OR 97201

Interested Party: Diane Mason | First Call Heating & Cooling
13150 S Clackamas River Drive | Oregon City, OR 97045

Site Address: 1837 SW ELM STREET

Legal Description: GENERAL COMMON ELEMENTS, HEIGHTS CONDOMINIUM
Tax Account No.: R373250010
State ID No.: 1S1E04CA 90000
Quarter Section: 3227
Neighborhood: Southwest Hills Residential League, contact at contact@swhrl.org.
Business District: NONE
District Coalition: Southwest Neighborhoods Inc., contact at 503-823-4592.
Plan District: NONE
Other Designations: National Register Historic Landmark – Elm Street Apartments
Zoning: RM1 - Residential Multi-Dwelling 1
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 seeks Historic Resource Review to add a roof vent on the rooftop of the western wing of the Elm Street Apartments, a National Historic Landmark. The vent will project 12” above the roof and be painted a dark color (dark grey or black) to match the roof color.

This project requires historic resource review as it does not meet the exemptions of 33.420.045.

Relevant Approval Criteria:

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

- Section 33.846.060.G

ANALYSIS

Site and Vicinity: The Elm Street Apartments face south on SW Elm Street at the northeast corner of Elm and Nineteenth Street, in a neighborhood of single- and two-story houses. The eight-unit apartment building is situated in Carter's Addition, Block 85, on Lots 5 and 6, which have a combined area of 100 feet square. The apartment's row of four front porches are about 15 feet from the sidewalk on Elm Street. The building's side setbacks are about 3 feet. The yard and courtyard, visible from the street, are well landscaped with traditional plants. A small concrete fountain is located at the courtyard entrance. Street trees have been replaced in front of the apartments, but many mature elm and chestnut trees are in the immediate environs. The rear (north) side has very little landscaping as most of the space is dedicated to the driveway and garage.

The predominant style is Craftsman with Arts and Crafts and Prairie style elements successfully integrated into the overall design. The building is U-shaped and bilaterally symmetrical along a north/south axis. Paired 2-story porches flank either side of the central courtyard. The 2 entrances are located between the porches on either side of the courtyard. The building is two stories high from the Elm Street side, however the concrete daylight basement is fully above ground mid-way back from Elm Street. The main roof has a low pitch and is hipped except for the porches. Bathroom vents as well as the chimneys are constructed of brick.

The apartment is of wood-frame construction. Brick, stucco, and imitation half-timbering face the exterior walls. The half-timbering consists of vertical and horizontal patterning, the horizontal being dominant, emphasizing the bands of windows and belt courses. Slight projections of the upper walls over the lower story, the treatment of fenestration, and a varied yet restrained treatment of exterior wall surfaces all contribute to a subtle yet complex visual experience.

Zoning: The RM1 zone is a low-scale multi-dwelling zone that is generally applied in locations intended to provide a transition in scale to single-dwelling residential areas, such as the edges of mixed-use centers and civic corridors, and along or near neighborhood corridors. Allowed housing is characterized by one to three story buildings that relate to the patterns of residential neighborhoods, but at a somewhat larger scale and building coverage than allowed in the single-dwelling zones. The major types of new development will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland's residential neighborhoods.

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.

Land Use History: City records indicate the following prior land use review:
LU 20-157144 HR: Historic Resource Review approval for a roof vent.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **May 3, 2021**. The following Bureaus have responded with no issues or concerns about the proposal:

- Life Safety Plan Review Section of BDS (see Exhibit E.1)
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 3, 2021**. 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 a designated Historic Landmark outside the Central City Plan District and not within in a Historic or Conservation District, and the proposal is for non-exempt treatments. Therefore, the proposal requires Historic Resource Review approval. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

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.
6. **Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.
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; and

- 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 1-10: The proposal meets these criteria as follows:

- Currently, there are 57 penetrations in the roof. This proposal will add one additional penetration, allowing gas utility to be provided to this unit, consistent with the other seven units in the building. No changes to the exterior of the building are otherwise proposed.
- The vent is located in alignment with the vent immediately north providing symmetry with other roof intrusions. Similar to the other vents, the vent will project 12” above the roof and be painted a dark matte color (dark grey or black) to match the roof shingles and blend in with the roof.
- The material and shape of the vent will distinguish it as new given the square brick roof projections off the original structure.
- No removal of historic materials nor alteration of features and spaces that contribute to the property’s historic significance will occur with this proposal.
- The proposal will not modify any historic features of the existing building. The vents will be added to the existing non-historic composition shingle roof material and painted to match the roof color.
- There are no historic materials on the roof that would be affected.
- There are no impacts to any potential archaeological resources by the proposed venting on the roof.
- If the vents are to be removed in the future, there will not be impacts to the essential form and integrity of the building. Painting the vents to match to roof color ensures compatibility of the new materials with the historic structure. The scale of the new roof vents is small given the size of the structure.

These criteria have been met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 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 a roof vent per the approved site plans, Exhibits C-1 through C-3, signed and dated 6/9/21, 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 21-040102 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: Staci Monroe

Decision rendered by: _____  _____ **on 6/9/21**
By authority of the Dire Development Services

Decision mailed 6/11/21

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 23, 2021, and was determined to be complete on April 29, 2021.

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 23, 2021.

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 8/27/21.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services.

Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **6/11/21** 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 Statement
 1. Applicants response to approval criteria and project narrative dated 4/23/21
 2. Roof Report dated 4/10/21
 3. Building condo plat
 4. Unit floor plan
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Roof Vent Detail (attached)
 3. Vent detail and info (attached)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Plan Review Section of BDS
- F. Correspondence: none
- G. Other:
 1. Original LU Application

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).