



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

Dan Ryan, Commissioner  
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**Date:** June 29, 2021  
**To:** Interested Person  
**From:** Megan Sita Walker, Land Use Services  
503-865-6515 / MeganSita.Walker@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 21-041430 HR – FAÇADE VENTS**

**GENERAL INFORMATION**

**Applicant(s):** Alissa Keomany | (503) 498-0680 & Jackson Swanson | (503) 233-3500  
Interworks LLC  
PO Box 14764  
Portland, OR 97293

**Owner(s):** Association of Unit Owners of 705 Davis Condominium  
12550 SE 93<sup>rd</sup> Avenue | Clackamas, OR 97015

Amelia H L Marshack & Bruce Marshack  
2141 NW Davis St #204  
Portland, OR 97210

Katherine Ellegood  
2141 NW Davis St #304  
Portland, OR 97210

**Site Address:** 2141 NW DAVIS ST

**Legal Description:** LOT 204, 705 DAVIS CONDOMINIUM; LOT 304, 705 DAVIS CONDOMINIUM

**Tax Account No.:** R754900010, R754900240, R754900380

**State ID No.:** 1N1E33CA 70000, 1N1E33CA 70006, 1N1E33CA 70017

**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:** Historic Landmark and Contributing Resource in the Alphabet Historic District  
**Zoning:** RM4d – Residential Multi-Dwelling 4 with Design and Historic Resource Protection Overlay Zones  
**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 alterations to a contributing resource and individually listed Historic Landmark structure in the Alphabet Historic District. Alterations include the installation of two (2) 6” round range hood exhaust vents with hoods painted to match the existing stucco wall at levels 2 and 3 of the East Elevation of the resource.

Historic Resource Review is required for non-exempt alterations to Landmark and contributing resource in the Alphabet Historic District.

**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:

- 33.846.060.G *Other Approval Criteria*
- *Historic Alphabet District: Community Design Guidelines Addendum*
- *Community Design Guidelines*

**ANALYSIS**

**Site and Vicinity:** The site is a 13,720 square foot parcel developed with what was originally built as an apartment building in circa 1913 and is a National Historic Landmark and a contributing resource in the Alphabet Historic District. When completed in 1913, the 705 Davis Street apartment building was the grandest structure of its kind in Portland. It is located at the end of King Street in King's 2nd Addition. The original design was for a "square doughnut" plan with an opening at the south center on Davis Street, leading to a central entrance courtyard. Construction was to be in two stages. The west half was never built, leaving a "U" shaped plan with the front leg slightly shorter than the rear leg. The surrounding area is developed with many multi-dwelling buildings. Surrounding properties are zoning for higher-intensity Multi-Dwelling Residential (RM4) and Central Commercial (CX) to the southwest.

The Historic Alphabet District is located at the base of the West Hills, roughly bounded by W Burnside Street to the South, NW 17th Avenue to the East, NW Marshall Street to the North and NW 24th Avenue to the West. The district is predominantly residential in character but also has two main commercial corridors along NW 21st and NW 23rd Avenues, as well as institutional properties. Originally platted as a residential district for the upper class, the Lewis and Clark Exposition of 1905 prompted the construction of several apartment buildings by notable Portland architects. The neighborhood is still one of the city's more densely populated historic neighborhoods.

**Zoning:** The Residential Multi-Dwelling 4 (RM4) zone is a high density, urban-scale multi-dwelling zone applied near the Central City, and in town centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended to be an intensely urban zone with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets, with buildings located close to sidewalks with little or no front setback. This is a mid-rise to high-rise zone with buildings of up to seven or more stories. The Design overlay zone is applied to this zone.

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 that prior land use reviews include the following:

- LU 14-207448 AD - Adjustment approval to 33.120.255.B.1.a.(1), to allow the main entrance to exceed 120% of the straight-line distance to the abutting sidewalk.
- LU 18-275101 HR – Historic Resource Review approval for alterations to existing balconies.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **May 20, 2021**. The following Bureaus have responded with no issues or concerns about the proposal:

1. Life safety Division of BDS (See Exhibit E-1)
2. Bureau of Transportation Engineering (See Exhibit E-2)
3. Urban Forestry (See Exhibit E-3)
4. Site Development (See Exhibit E-4)
5. Fire Bureau (See Exhibit E-5)
6. Bureau of Environmental Services (See Exhibit E-6)
7. Water Bureau (See Exhibit E-7)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **May 20, 2021**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Rob Ingwerson, a resident immediately behind the subject property, on June 1, 2021, wrote in in opposition to the proposed alterations due to continued construction noise concerns. Please see Exhibit F-1 for additional information on concerns raised.

*Staff Response:* City noise standards are regulated by Title 18 Noise Control and other offsite impacts are regulated per Title 33.262 Off-Site Impacts and are not within the scope of the current Historic Resource Review. However, Staff encourages the applicant to see if they can address issues raised by Mr. Ingwerson by clarifying the schedule/ duration of construction on the exterior of the building associated with the proposed alterations. See findings below for information on how the proposed alterations address the applicable approval criteria for the current Historic Resource Review.

## **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 located within the Alphabet Historic District and is designated Historic Landmark outside the Central City Plan District. 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*, the *Community Design Guidelines*, and the *Historic Alphabet District Community Design Guidelines Addendum*.

*Staff has considered all of the approval criteria 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.
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.
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, 6, 7, 8, 9, and 10:** The proposal addresses the above-mentioned approval criteria in the following ways:

- The historic character of the property is retained and preserved with the limited alterations proposed. The impact to historic stucco cladding is limited to where the two (2) 6" round range hood vents will penetrate the stucco cladding at levels 2 and 3 on the East Elevation.
- The historic resource will remain a physical record of its time. The two (2) proposed vents which will be painted to match the existing stucco cladding are

limited and are placed as to not interfere with the style and detailing of the resource. Additionally, the vents will be differentiated from the surrounding historic material to remain through the use of contemporary materials and construction methods. To ensure that all exterior elements of the proposed vents are painted to match the cladding, staff has added Condition of Approval ‘C’.

- The proposal does not include the replacement of original historic features or materials and historic materials will be protected during the installation of the proposed vents.
- The scope of work does not include excavation and no significant archaeological resources will be affected by the proposal.
- The limited number and size of vents, and the proposed placement and finish treatment, painted to match the stucco cladding, ensures that the proposal is compatible with the resource. As such, the proposed design ensures the architectural integrity and the form and integrity of the resource will be retained.

*With Condition of Approval ‘C’, that all exterior elements of the proposed façade vents shall be painted to match the surface to which they are attached, these criteria are met.*

### **Historic Alphabet District - Community Design Guidelines Addendum**

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

**Findings for 1, 2 & 3:** As designed, the two (2) proposed façade vents painted to match the stucco will not impact the architectural integrity or character of the resource, and are compatible with the resource itself, the immediate neighborhood, as well as the greater Historic Alphabet District as a whole. *These guidelines have been 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.
- P2. Historic and Conservation Districts.** Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area’s historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.
- D7. Blending into the Neighborhood.** Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.
- 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.
- 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 for P1, P2, D7, D8, and E1:** The proposal addresses the above-mentioned approval criteria in the following ways:

- The proposed two (2) 6” round range hood vents will penetrate the stucco cladding at levels 2 and 3 on the East Elevation result in minor alterations to the resource and the resource will therefore continue to enhance the sense of place and identity of the Alphabet Historic District and the area as a whole.
- By limiting the size and number of vents, placing them to align with existing façade elements and avoid impact to architectural features, and painting them to match the stucco cladding, the proposal incorporates quality building detailing, and continues to allow the resource to form a coherent composition.
- The placement of the two (2) range hood vents on upper floors (levels 2 and 3) will not significantly impact the pedestrian realm below or detract from the detailing of the sidewalk level of the building.

*These guidelines are therefore 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 Historic Resource Review for alterations to a contributing resource and individually listed Historic Landmark structure in the Alphabet Historic District to include the installation of two (2) 6” round range hood exhaust vents with hoods painted to match the existing stucco wall at levels 2 and 3 of the East Elevation of the resource.

Approval per the approved site plans, Exhibits C-1 through C-3, signed and dated June 24, 2021 subject to the following conditions:

- As part of the building permit application submittal, the following development-related conditions (B through D) 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 21-041430 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- 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.
- All exterior elements of the proposed façade vents shall be painted to match the surface to which they are attached.
- No field changes allowed.

**Staff Planner: Megan Sita Walker**

**Decision rendered by:**  **on June 24, 2021**

**Decision mailed June 29, 2021**

**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 28, 2021, and was determined to be complete on May 17, 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 28, 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: September 14, 2021.**

**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 on or after **June 30, 2021** 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. Original Drawing Packet
  2. Site Photos
  3. Diagram and Picture of Vent
  4. Response to Approval Criteria, rec'd June 14, 2021
- B. Zoning Map (attached)
- C. Plans & Drawings
  1. Site Plan (attached)
  2. Proposed East Elevation (attached)
  3. Proposed Vent
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses:
  1. Life safety Division of BDS
  2. Bureau of Transportation Engineering
  3. Urban Forestry
  4. Site Development
  5. Fire Bureau
  6. Bureau of Environmental Services
  7. Water Bureau
- F. Letters:
  1. Rob Ingwerson, a resident immediately behind the subject property, on June 1, 2021, wrote in in opposition to the proposed alterations due to continued construction noise concerns.
- G. Other
  1. Original LUR Application
  2. Email correspondence between staff and the applicant

**The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).**