



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

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Date: September 16, 2022
To: Interested Person
From: Grace Jeffreys, Land Use Services
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NOTICE OF A TYPE I 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 22-172239 HR –
1825 SW ELM ST, NEW GAS PIPING AND INSERT

GENERAL INFORMATION

Applicant: Joe Camp, All Fuel Installation & Service LLC
PO Box 69, Portland OR 97060
allfuel@allfuelinstallation.com, 503-674-2350

Owners: Barbara Farris,
1111 NW Parkridge Ln, Portland, OR 97229-9121

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

Site Address: 1825 SW ELM ST

Legal Description: GENERAL COMMON ELEMENTS, HEIGHTS CONDOMINIUM; LOT 8, HEIGHTS CONDOMINIUM

Tax Account No.: R373250010, R373250400
State ID No.: 1S1E04CA 90000, 1S1E04CA 90008
Quarter Section: 3227
Neighborhood: Southwest Hills Residential League, contact at contact@swhrl.org
Business District: None
District Coalition: Neighbors West/Northwest, contact Darlene Urban Garrett at darlene@nwnw.org

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 I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant seeks Historic Resource Review to add a new gas line and gas insert to the Elm Street Apartments, a National Historic Landmark.

The new gas line will originate at the gas meter located in the rear facing courtyard and run horizontally to the inside corner of the building, then vertically (about 20 feet) to the soffit where it will enter the attic. To install the new chimney insert, an existing chimney toppler will be removed, the new vent and vent cap will be installed, and the existing chimney toppler will then be reinstalled. The new gas line will be black iron pipe painted to match the color of the building. The new cap will not be noticeable after the work is completed.

This project requires historic resource review as it does not meet the exemptions of 33.445.100.D.2.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria specified in the 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 overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

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

- LU 21-040102 HR: Historic Resource Review approval for a roof vent.
- LU 20-157144 HR: Historic Resource Review approval for a roof vent.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on August 25, 2022. No issues or concerns have been received from the Bureaus about the proposal.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 25, 2022. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Craig Koon, SWHRL Land Use chair, on August 26, 2022 wrote in support of 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 Historic Approval Criteria*.

33.846.060 G - Other Historic Approval Criteria

1. **Historic character.** The historic character of the landmark or contributing resource will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the historic significance of the landmark or contributing resource will be avoided.
2. **Record of its time.** The landmark or contributing 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 resources 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 historic feature 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 landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the character, features, materials, form, or integrity of the landmark or contributing resource and, if in a Historic District, the district as a whole.
8. **Architectural compatibility.** New additions, exterior alterations, or new construction will be compatible with the massing, size, scale, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole. When retrofitting to improve accessibility for persons with disabilities or accommodate seismic improvements, design solutions will not compromise the architectural integrity of the landmark or contributing resource.
9. **Preserve the form and integrity of historic resources. New additions, exterior alterations, or new construction** will be undertaken in such a manner that if removed in the future, the essential form and integrity of the landmark or contributing resource and, if in a district, the district as a whole would be unimpaired.
10. **Hierarchy of compatibility.** New additions, exterior alterations, or new construction will be designed to be compatible primarily with the landmark or contributing resource and, if located within a district, secondarily with contributing resources within 200 feet and, finally, with the rest of the district. Where practical, compatibility in districts will be pursued on all three levels.

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

- There are several existing gas lines that currently run both horizontally and vertically on the building from the meter bank to various locations around the building. The addition of another ¾" gas line from the gas meter to the attic will not impact the historic character of the property. No changes to the exterior of the building are otherwise proposed.
- The new gas line will be run along with other gas lines and be painted to match the exterior of the building.
- The new gas line will not impact any of the historic aspects of the 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
- There are no impacts of any potential archaeological resources by the proposed additional gas piping on the building.
- The proposal will not modify any historic features of the existing building. There will be no destruction of historic materials that characterize the property with this proposal.
- The new gas piping will be architecturally compatible will be compatible with architectural features existing (including the other gas lines on the Historic building. If in the future the new gas piping needs or is desired to be removed, there will be no impact to the historic resource, structure, or environment.
- Once the new piping is installed the addition of the new ¾" diameter gas line will be difficult to tell it is a new installation and will be installed as other additional gas lines have been installed on the building in the past. The scale of the new gas piping 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 new gas line and gas insert, per the approved site plans, Exhibits C-1 through C-3, signed and dated September 13, 2022, 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 22-172239 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: Grace Jeffreys

Decision rendered by:  **on September 13, 2022**
By authority of the Director of the Bureau of Development Services

Decision mailed: September 16, 2022

Procedural Information. The application for this land use review was submitted on August 11, 2022, and was determined to be complete on August 22, 2022.

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 August 11, 2022.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: December 20, 2022.**

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 **September 16, 2022** 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. Applicant's response to approval criteria and project narrative dated 4/23/21
 - 2. Drawings
 - 3. Photos
 - 4. Narrative addressing GL's
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Roof Insert Detail (attached)
 - 3. Piping details and info (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence:
 - 1. Craig Koon, SWHRL Land Use chair, on August 26, 2022 wrote in support of the proposal.
- 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).