



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

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Date: January 27, 2023
To: Interested Person
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NOTICE OF A TYPE II 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 22-196672 HRM
NORTH PORTLAND LIBRARY ADDITIONS

GENERAL INFORMATION

Applicant: Chandra Robinson, Lever Architecture PC
4713 N Albina Ave, 4th Floor, Portland, OR 97217
(503) 804-5509, chandra@leverarchitecture.com

Owner: Multnomah County Library District
401 N Dixon St, Portland, OR 97227-1865

Owner's Representative: Kevin Kearns, Multnomah County Library
1006 SE Grand Ave, #200, Portland, OR 97214

Site Address: 512 N KILLINGSWORTH ST

Legal Description: BLOCK C LOT 1-3, WALNUT PK
Tax Account No.: R877306820
State ID No.: 1N1E22AB 02800
Quarter Section: 2530

Neighborhood: Humboldt, contact Peach Anderson at humboldtneighborhood@gmail.com

Business District: Soul District Business Association, contact at Info@nnebaortland.org

District Coalition: Northeast Coalition of Neighborhoods, contact at info@necoalition.org

Plan District: None
Other Designations: Contributing Resource in the Piedmont Conservation District;
Albina Community Plan Area

Zoning: IRm – Institutional Residential with Centers/Main Street Overlay

Case Type: HRM – Historic Resource Review with Modifications
Procedure: Type II – an administrative decision with appeal to the Landmarks Commission.

Proposal:

Historic Resource Review is requested for two proposed additions to the historic North Portland Library, which is a contributing resource in the Piedmont Conservation District. The proposed additions will be located on the south side of the existing building. The southeastern addition comprises approximately 930 SF of new floor area and is proposed to house a new Black Cultural Center. The southwestern addition comprises approximately 620 SF of new floor area and is proposed to house additional staff work area. Both additions are proposed to be clad in black, Flemish bond-patterned brick.

Four (4) **Modifications** to zoning code development standards are also proposed:

1. 33.150.215.B, Minimum Building Setback. Modification to allow the proposed trash enclosure area to be set back approximately 3'-6" from the western lot line instead of the code-required 10'-0" minimum setback.
2. 33.150.215.B.1.a, Minimum Building Setbacks, Minor Projections Allowed. Modification to allow a bay window on the east elevation of the Black Cultural Center to project up to 8 inches into the required minimum setback for a length of approximately 15'-8", rather than the maximum allowed 12'-0" length.
3. 33.248.020.A.2, L1, General Landscaping, Required Materials. Modification to allow a total of 9 trees, comprising 7 existing trees (a mixture of small, medium, and large trees, which is indeterminate due to missing information) and 2 new "small" trees within the site's minimum required landscaped area. A total of 34 "small" trees, 23 "medium" trees, 17 "large" trees, or a mixture of trees of different sizes is required to fully meet the standard.
4. 33.415.320, Maximum Building Setbacks. Modification to allow the new Black Cultural Center (BCC) addition and staff work area addition to be set back by more than the required 10 feet from the N Killingsworth Street lot line (at approx. 72'-8" and 67'-3", respectively), to allow the BCC to be set back from the N Commercial Ave lot line by between approximately 10'-1" to 10'-6", and to allow significant areas of landscaping to be placed between these new additions and the sidewalks, rather than requiring 50% of the setback area to be hard-surfaced for use by pedestrians.

Historic Resource Review is required for non-exempt exterior alterations in conservation districts, and Modifications are required for proposals that do not meet zoning code site-related development standards.

Relevant Approval Criteria:

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

- Community Design Guidelines
- 33.846.070, Modifications Considered During Historic Resource Review

ANALYSIS

Site and Vicinity: The North Portland Library building is a historic Carnegie library built in 1912 in the Jacobethan style and designed by Josef Jacobberger and Alfred Smith. The library is listed as a contributing resource in the greater Piedmont Conservation District. The subject site is situated at the northeast corner of the Jefferson High School campus and in the middle of a commercial mixed-use corridor focused along N Killingsworth St, which forms the southern end of the Piedmont Conservation District. Many buildings along this strip are of the streetcar era commercial style, between one to two stories in height.

North Killingsworth Street is classified in the city's TSP as a District Collector, Neighborhood Main Street, Major Transportation Priority Street, City Bikeway, Major City Walkway, Major

Emergency Response Street, and Truck Access Street. N Commercial Avenue is classified as a City Bikeway and Neighborhood Walkway, with local service for all other modes.

Zoning:

The Institutional Residential zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. The IR zone recognizes the valuable role of institutional uses in the community. However, these institutions are generally in residential areas where the level of public services is scaled to a less intense level of development. Institutional uses are often of a significantly different scale and character than the areas in which they are located. Intensity and density are regulated by the maximum number of dwelling units per acre and the maximum size of buildings permitted. Some commercial and light industrial uses are allowed, along with major event entertainment facilities and other uses associated with institutions.

Residential development allowed includes all structure types. Mixed use projects including both residential development and institutions are allowed as well as single use projects that are entirely residential or institutional. IR zones will be located near one or more streets that are designated as District Collector streets, Transit Access Streets, or streets of higher classification. The IR zone will be applied only when it is accompanied by the Design overlay zone.

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:

- VZ 023-82: Approved zoning variance to increase the height of a fence from the permitted 3.5 feet to 8 feet in the front yards in order to construct fence segments from 4 feet to 8 feet for security for Jefferson High School.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **December 7, 2022**. The following Bureaus have responded with no issues or concerns:

- Water Bureau

The Bureau of Environmental Services responded with the no objections and with comments about sanitary sewer and stormwater management requirements. Please see Exhibit E.1 for additional details.

The Bureau of Transportation Engineering responded with no objections to approval. Please see Exhibit E.2 for additional details.

The Fire Bureau responded with comments noting that all applicable Fire Code requirements shall apply at the time of permit review and development. Please see Exhibit E.3 for additional details.

The Site Development Section of BDS responded with no objections and with information about seismic upgrade requirements. Please see Exhibit E.4 for additional details.

Portland Parks & Recreation – Urban Forestry Division responded with no objections and with information about existing street trees surrounding the site. Please see Exhibit E.5 for additional details.

The Life Safety Review Section of BDS responded with no objections to approval and with general life safety comments. Please see Exhibit E.6 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 7, 2022. 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 located within the Piedmont Conservation District and the proposal is for a non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are those listed in the *Community Design Guidelines*.

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

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.

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 for P1 & D7: The subject site is located in the Albina Community Plan Area. As a historic home for Portland's Black community, as well as many other diverse nationalities and ethnic groups including Irish, Germans, Russians, Scandinavians and Polish, the Albina area has a long history, notable both for its vibrant community and cultural roots as well as many layers of painful, discriminatory policies that caused both physical destruction and large-scale community displacement. After waves of damaging policies, including urban renewal, highway projects, unbuilt hospital expansions, and discriminatory lending practices, the resulting built environment includes many uninspiring buildings and inconsistent development patterns.

Therefore, as staff considers the neighborhood context and desired characteristics and traditions, it is critical to do so with the lens that this was a previously-intact neighborhood damaged by public policies. As public planners, we have a responsibility to look beyond the current context as it reflects this residual damage and to repair and restore the more vibrant, pedestrian-oriented, and intact community relationships that existed here prior to our planning predecessors' perpetuation of de jure segregation and destruction.

Albina Community Plan Goals

It is important to note that the public planning documents, such as the *Albina Community Plan*, typically used as the basis for determining desired community characteristics and traditions, were developed in the wake of decades of racist planning policies that caused mass dislocation of Albina's historically diverse community, particularly its Black community. Therefore, the goals documented in these reports are

reflective of the periods in which they were written, and are largely focused on repairing the damage inflicted upon the neighborhood, and restoring the vibrant community that existed prior to waves of urban renewal policies. The voices participating in these planning documents are likely to represent those who remained in Albina after early waves of displacement, and who felt economically stable and empowered to attend City-led meetings. These documents do not adequately capture the wealth of diverse perspectives from many who were previously displaced, marginalized or lacked the time, means or desire to participate.

Nonetheless, the proposal is consistent with numerous goals outlined in the Albina Community Plan that still do resonate with the community outreach conducted by the project team. These include educational, family services and historic preservation goals, with the stated objectives to “support needed expansion of public libraries to meet the educational needs of an increasing population... expand programs that provide positive social and recreational opportunities for minority youth, persons sixty years and older and other special needs populations... and preserve the historic resources and spatial patterns that reflect the development of the Albina Community as a separate city and as a part of Portland.”

The proposal is also consistent with the desired “Community Image and Character” identified in the Albina Community Plan. The Black Cultural Center addition, in particular, responds directly to the plan’s stated policy of strengthening “the Albina Community’s sense of place through the promotion of its art, history, and culture” and the stated objective of “design[ing] and install[ing] public improvements that are attractive and responsive to the needs of the area.” The proposal also “preserve[s] the historic resources and spatial patterns that reflect the development on the Albina Community...” in keeping the library setback from the street edges, maintaining its identity as a civic building set apart from the streetcar-era commercial development along N Killingsworth St.

Therefore, 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: The Piedmont Conservation District was formed as part of the 1993 Albina Community Plan and primarily consists of residential development north of N Killingsworth St, though it also includes the streetcar-era commercial strip along N Killingsworth St between NE MLK Blvd and the I-5 Freeway. It is this latter portion of the district that is of relevance to the proposed exterior alterations and additions to the historic North Portland Library.

The historic development pattern along N Killingsworth St consists primarily of single-story and two-story streetcar-era commercial developments. The North Portland Library, Jefferson High School, and landmark Wilson-Chambers Mortuary building are notable exceptions, comprising civic and religious development following different, civic-scale urban and architectural patterns.

The original library on this site is a Carnegie library. Over 2500 libraries were built across the world with funds donated by Andrew Carnegie. The recipient communities had to agree to specific criteria to receive grant money, including the promise of providing free service to all patrons, however racial integration was not a requirement. Rather than insist on

racial integration in the libraries he funded, Carnegie funded a number of separate libraries for African Americans. Portland did not receive any grants for non-white libraries.

The Carnegie libraries were built in a few architectural styles, but each proposal had to receive architectural approval from Carnegie (or his personal secretary) in order to be funded. Over time, Carnegie's secretary became more limited in the range of architectural styles he would accept. The Carnegie libraries typically have a formal, raised main entrance, accessed through a prominent street-facing stair. There is no indication that the Carnegie libraries were designed to respond to their surrounding context, and as a Jacobethan Revival-style building, the existing Carnegie library on this site does not have any obvious relationship to other buildings in the surrounding area. Based on this research, staff concludes that historic library architecture is often divergent from its context, that historic library architecture may represent a legacy of segregation and exclusion to some populations, and that it may be less critical for libraries to match the surrounding architectural context than it would be for another use, or a building that is likely to be adapted for numerous uses over time.

Nevertheless, the proposed library addition strives to integrate within the existing neighborhood and subtly complement the architecture of the existing historic library while also creating a forward-looking architecture that is inclusive and accessible to the community. The proposed additions are located on the rear side of the existing historic library building, retaining the library's most visible, historic facades on the north and east sides of the site. The proposed additions are also smaller in scale, at one story each and relatively small in floor area, leaving the historic library as the primary structure on the site. The proposed additions also incorporate reinterpreted design elements from the historic library structure—namely incorporating a Flemish bond brick pattern and windows scaled and partitioned to complement those on the historic structure. The large, east-facing window of the Black Cultural Center addition, in particular, directly references the large east-facing window on the main library building.

Therefore, this guideline is met.

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: A new accessible ramp is proposed at the northeast corner of the site which will allow for universal pedestrian access to the eastern library building entrance. The ramp is set amidst landscaping at the corner, providing for visual and physical buffers from the public streets and sidewalks and creating a pleasant environment for pedestrians. Low bollards will provide lighting along the ramp to help ensure safety at night along the ramp. Additional bollards and wall sconces are proposed along the new additions to provide for safety along the N Commercial Ave sidewalk and service pathway on the west side of the site.

Therefore, 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: An existing stopping place, located in front of the eastern entry to the library building, is enhanced by the proposed alterations by creating a larger landing at the top

of the stairs leading up to the entry, providing space for library visitors to gather immediately outside the doors as well as at the bottom of the stairway, off the sidewalk. New seating is proposed in the landscaping area along N Commercial St, adjacent to the new Black Cultural Center addition to the library building. Both areas afford people places to stop, visit, meet, and rest.

Therefore, this guideline is met.

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 proposed Black Cultural Center addition to the existing library building extends the building south along the N Commercial Ave sidewalk, which serves to extend the sense of enclosure along this street frontage. The large window and brick detailing add visual interest to this addition, while the former also allows for views to the activities occurring within the addition's interior. Additionally, as stated above in Findings for E2, existing stopping and gathering places are enhanced by proposed exterior alterations.

Therefore, 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 proposed Black Cultural Center addition to the existing library building will draw additional activity to the library as a whole, which will help to further activate the corner of N Killingsworth St & N Commercial Ave. Both proposed additions are lower in height than, and located on the south side of, the existing historic library building, leaving the latter as the most prominent feature at the intersection.

Therefore, this guideline is met.

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 alterations to the existing library building will not add any new protection from rain—doing so with the addition of canopies or awnings would not be in keeping with the historic character of the building, which is of greater importance. The proposed deck on the west side of the Black Cultural Center addition to the building is located in a location that will be mostly sheltered from wind, since it is sheltered on 3 sides by portions of the building, and from sun by retaining existing large chestnut trees and Port Orford cedars to the south and west, respectively.

Therefore, 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: Proposed exterior alterations to the site include a new deck on the west side of the Black Cultural Center, which will provide a usable outdoor space accessible to the interior of this addition. Other new landscape plantings, in the form of

a variety of shrubs and small trees, are proposed along the N Commercial Ave frontage and surrounding the new Black Cultural Center addition, where they will have the greatest impact on the building's visitors. Existing, large Port Orford cedars and chestnut trees will be retained to the greatest extent possible. Existing street trees will also be retained.

Therefore, these guidelines are met.

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

Findings: No alterations are proposed to the building's main, northern entrance. The building's secondary, eastern entrance will be functionally turned into another main entrance by acting as the primary entry point to the new Black Cultural Center addition. This entrance already has prominence in its architectural detailing, including a peaked archway, crenulated parapet, and distinctive but simple scones, all of which will remain. This entrance will be made more accessible with a new stair and landing, replacing the existing stair which does not provide an accessible landing outside the doors. The new landing will also be served by a new ramp which will allow for accessibility of all users. Both of these changes will also improve the transit orientation of the entrance.

Therefore, this guideline is met.

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: Proposed new building additions contain active uses and have large windows that look out onto the public sidewalks and rear outdoor area of the library, which will allow for visual surveillance of these spaces. New exterior lighting associated with these additions will illuminate these exterior spaces at night, allowing for increased security of passersby, employees, and visitors to the library.

Therefore, 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.

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 for D6 & D8: The proposed new additions are compatible with and respect the original character of the historic library building, maintaining a cohesive overall composition. The proposed additions are much smaller in scale than the historic library, at one story each and containing a relatively small amount of floor area in each addition. Both additions are clad in brick arranged in a Flemish bond pattern to complement the historic library building, though the dark brown/black color of the brick, along with modern detailing, help to differentiate the new additions from the historic building. Brick detailing on the proposed additions, in the form of a projecting brick pattern, soldier courses, and metal coping. Though these details are more modern and represent "an intentional design move to reinforce the program focus of the building as an expression of Black Portland culture", these elements all help to relate the additions to the traditional brick and stone detailing and ornamentation on the existing library building. The large, east-facing window of the Black Cultural Center addition, in particular, directly references the large east-facing window on the main library building and clearly ties the two portions of the building together. Smaller

windows are treated similarly and reflect the scale and proportions of windows found on the historic library building. The slight vertical shift in the massing of the Black Cultural Center similarly reflects the massing shifts on the east elevation of the historic library building.

These same characteristics lead to the proposed additions being of lasting quality and of interest to view. Provided details confirm that these alterations will be enduring components of the building. The large, east-facing window, in particular, provides for expansive views from the sidewalk of the activities that will occur in the Black Cultural Center. The additions' detailing provides for additional, if more demure, visual interest.

Therefore, these guidelines are met.

33.846.070 Modifications Considered During Historic Resource Review

The review body may consider modification of 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. These modifications are done as part of historic resource review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through historic resource review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- 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.

Modification #1: 33.150.215.B, Minimum Building Setback. Modification to allow the proposed trash enclosure area to be set back approximately 3'-6" from the western lot line instead of the code-required 10'-0" minimum setback.

Modification #2: 33.150.215.B.1.a, Minimum Building Setbacks, Minor Projections Allowed. Modification to allow a bay window on the east elevation of the Black Cultural Center to project up to 8 inches into the required minimum setback for a length of approximately 15'-8", rather than the maximum allowed 12'-0" length.

Purpose Statement: The required building setbacks promote streetscapes that are consistent with the desired character of the campus institutional zones, and reflect the diversity of neighborhoods within which the campus institutional zones are located. In instances where a campus institutional zone abuts a residential zone, the required setbacks centers complement the residential character of surrounding neighborhood and result in development that will maintain light, air, and the potential for privacy for adjacent residential zones. In instances where a campus institutional zone abuts a mixed-use zone, pedestrian district and/or transit street, the setback requirements promote buildings and activity that are inviting to pedestrians, and contribute to an active pedestrian environment.

Standard: 33.150.215.B, Minimum Building Setbacks. The minimum building setback standards apply to all buildings and structures on the site. Minimum required building setbacks are stated in Table 150-2, or are shown on Maps 150-1 through 150-5. Minimum building setbacks shown on Maps 150-1 through 150--5 supersede Table 150-2. Exceptions to the minimum building setback standards are stated below:

1. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, water collection cisterns and planters, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may project into a required building setback up to 20 percent of the depth of the setback. However, they may not be within 3 feet of a lot line. Bays and bay windows extending into the setback also must meet the following requirements:
 - a. Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
 - b. At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;
 - c. Bays and bay windows must cantilever beyond the foundation of the building; and
 - d. The bay may not include any doors.

Modification #3: 33.248.020.A.2, L1, General Landscaping, Required Materials.

Modification to allow a total of 9 trees, comprising 7 existing trees (a mixture of small, medium, and large trees, which is indeterminate due to missing information) and 2 new “small” trees within the site’s minimum required landscaped area. A total of 34 “small” trees, 23 “medium” trees, 17 “large” trees, or a mixture of trees of different sizes is required to fully meet the standard.

Purpose Statement: The City recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Preserve and enhance Portland’s urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Reduce stormwater runoff pollution, temperature, and rate and volume of flow;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing non-invasive vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Restore natural communities and provide habitat through removal of nuisance plants and reestablishment of native plants; and
- Mitigate for loss of natural resource values.

This chapter consists of a set of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, preparation of the landscape or mitigation area, and timing of installation. Specific requirements for mitigation plantings are in 33.248.090.

The Portland Tree and Landscaping Manual contains additional information about ways to meet the regulations of this chapter. The Portland Plant List includes information about native plants, nonnative, non-nuisance plants, and nuisance plants.

Standard: 33.248.020.A.2, Required materials. The L1 standard has two different requirements for trees and shrubs. Ground cover plants must fully cover the remainder of the landscaped area. a. Where the area to be landscaped is less than 30 feet deep, the standard is one large tree per 30 linear feet, one medium tree per 22 linear feet, or one small tree per 15 linear feet. Trees of different sizes may be combined to meet the standard. Trees may be grouped. b. Where the area is 30 feet deep or greater, the requirement is either two high shrubs or three low shrubs per 400 square feet of landscaped area in addition to the trees required in 2.a, above. The shrubs and trees may be grouped.

Modification #4: 33.415.320, Maximum Building Setbacks. Modification to allow the new Black Cultural Center (BCC) addition and staff work area addition to be set back by more than the required 10 feet from the N Killingsworth Street lot line (at approx. 72'-8" and 67'-3", respectively), to allow the BCC to be set back from the N Commercial Ave lot line by between approximately 10'-1" to 10'-6", and to allow significant areas of landscaping to be placed between these new additions and the sidewalks, rather than requiring 50% of the setback area to be hard-surfaced for use by pedestrians.

Purpose Statement: The Centers Main Street overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

Standard: 33.415.320, Maximum Building Setbacks. In the Inner Pattern Area, at least 70 percent of the length of the ground level street-facing facade of the building must meet the maximum building setback standard of the base zone. If the site has three or more block frontages, this standard only applies to two frontages. In the case of sites with three or more block frontages, the two frontages subject to this standard are those with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose on which streets to meet the standard. Pattern areas are shown on Map 415-1.

- 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*

Findings: The modification to allow the trash enclosure to be closer than 10'-0" to the west lot line will help to preserve the essential form of the historic North Portland Library better than placing the enclosure close to, or attached to, the building, better meeting Guideline P2 – *Historic and Conservation Districts*.

The Modification to allow the proposed bay window extension into the minimum setback along the east lot line both helps the addition to reinterpret a similarly-scaled window on the east façade of the historic building while also affording opportunities for views to activities taking place on the interior of the Black Cultural Center addition. On this latter point, the bay window extension will double as a window seat on the addition's interior and will likely be heavily used. Thus, the Modification better meets Guidelines P2 and D8 – *Interest, Quality, and Composition*.

The Modification request to provide for fewer than the minimum required number of trees to meet the L1 standard will allow the site to better maintain its existing landscape design, which presents the building as a civic/community structure setback from sidewalk edges in a field of low plantings, allowing for better views of the building from the surrounding streets. By maintaining this landscape design, the Modification will better meet Guidelines P2 and D3 – *Landscape Features* than meeting the standard.

The Modification request to allow the new building additions to be set far behind the maximum setbacks for the site maintains the location and prominence of the historic library, which is oriented towards N Killingsworth St. Allowing the BCC addition, in particular, to be set farther back than the maximum setback also retains the historic, civic building pattern along the N Commercial St frontage, helping to integrate the new additions with the existing historic library. For these reasons, Guideline P2 is better met than meeting the standard.

B. Purpose of the standard. *The resulting development will meet the purpose of the standard being modified or 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.*

Findings: The Findings presented above for Criterion A all describe how the proposal better meets Guideline P2 – *Historic and Conservation Districts*. Indeed, the requested Modifications allow the existing historic building, its civic stature on its site, and the existing landscape to remain the primary focus of the site while still allowing for the building’s expansion in both square footage and program. Looking at the purpose statements for the setback standards, in particular, it is clear that these are primarily designed for either large campuses or intensive mixed-use corridors, rather than the “hybrid” civic institution set onto a commercial corridor like the North Portland Library site. For all these reasons, the preservation of the character of the historic resource is more important than meeting the purpose of the standards for which Modifications have been requested.

Therefore these Modifications merit 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 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 and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of two proposed additions located on the south side to the historic North Portland Library;

Approval of four (4) Modifications to zoning code development standards:

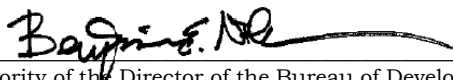
1. 33.150.215.B, Minimum Building Setback. Modification to allow the proposed trash enclosure area to be set back approximately 3’-6” from the western lot line instead of the code-required 10’-0” minimum setback.
2. 33.150.215.B.1.a, Minimum Building Setbacks, Minor Projections Allowed. Modification to allow a bay window on the east elevation of the Black Cultural Center to project up to 8 inches into the required minimum setback for a length of approximately 15’-8”, rather than the maximum allowed 12’-0” length.
3. 33.248.020.A.2, L1, General Landscaping, Required Materials. Modification to allow a total of 9 trees, comprising 7 existing trees (a mixture of small, medium, and large trees, which is indeterminate due to missing information) and 2 new “small” trees within the site’s minimum required landscaped area. A total of 34 “small” trees, 23 “medium” trees, 17 “large” trees, or a mixture of trees of different sizes is required to fully meet the standard.
4. 33.415.320, Maximum Building Setbacks. Modification to allow the new Black Cultural Center (BCC) addition and staff work area addition to be set back by more than the required 10 feet from the N Killingsworth Street lot line (at approx. 72’-8” and 67’-3”, respectively), to allow the BCC to be set back from the N Commercial Ave lot line by between approximately 10’-1” to 10’-6”, and to allow significant areas of landscaping to

be placed between these new additions and the sidewalks, rather than requiring 50% of the setback area to be hard-surfaced for use by pedestrians.

Approvals per the approved site plans, Exhibits C.3 through C.26, signed and dated 01/25/2023, 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 22-196672 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.

Staff Planner: Benjamin Nielsen

Decision rendered by:  **on January 25, 2023.**
By authority of the Director of the Bureau of Development Services

Decision mailed: January 27, 2023.

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 24, 2022, and was determined to be complete on December 5, 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 October 24, 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: April 4, 2023.**

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.

Appealing this decision. This decision may be appealed to the Landmarks Commission, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on February 10, 2023. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIx decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

Attending the hearing. 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 the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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 10, 2023**, 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 of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

A. Applicant's Submittals

1. Original narrative
2. Original "Exhibit C" drawing set
3. Original "Exhibit A" appendix drawings
4. Response to Incomplete Application Letter, 11/11/2022
5. Revised narrative, 11/11/2022
6. Revised "Exhibit C" drawing set, 11/11/2022
7. Revised "Exhibit A" appendix drawings, 11/11/2022
8. Revised "Exhibit J" product cutsheets, 11/11/2022
9. Revised narrative, dated 11/22/2022 and received 11/23/2022
10. Revised "Exhibit C" drawing set, dated 11/22/2022 and received 11/23/2022
11. Revised "Exhibit A" appendix drawings, dated 11/22/2022 and received 11/23/2022
12. Revised "Exhibit J" product cutsheets, dated 11/22/2022 and received 11/23/2022
13. Revised narrative, dated 11/29/2022 and received 11/30/2022
14. Revised "Exhibit C" drawing set, dated 11/29/2022 and received 11/30/2022
15. Revised "Exhibit A" appendix drawings, dated 11/29/2022 and received 11/30/2022
16. Revised "Exhibit J" product cutsheets, dated 11/29/2022 and received 11/30/2022
17. Library Massing Studies, dated 11/29/2022 and received 01/19/2023

B. Zoning Map (attached)

C. Plans/Drawings:

1 & 2 not used.

3. Vicinity Plan
4. Site Plan (attached)
5. Level 1 Plan
6. Level 2 Plan
7. Roof Plan
8. North South Elevations (attached)
9. East West Elevations (attached)
10. North South Building Section A
11. North South Building Section B
12. East West Building Section
13. Enlarged Elevation – Cultural Center
- 13.1. Enlarged Elevation – Cultural Center
- 13.2. Enlarged Elevation – Staff Addition
14. Wall Sections
15. Wall Sections
16. Wall Sections
17. Façade Details
18. Façade Details

- 18.1. Window/Door Details
- 18.2. Window Details
- 18.3. Window Details
- 19. Site Survey
- 20. Survey Plan
- 21. Utility Plan
- 22. Landscape Plan
- 23. Planting Plan
- 24. Tree Protection Plan
- 25. Lighting Diagram
- 26. Product Cutsheets
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
- F. Correspondence:

No correspondence was received.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Application Letter, sent 11/08/2022
 - 3. Email Correspondence

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).