



**NOTICE OF DECISION (NOD)
CITY COMMISSION DECISION ON APPEAL**

Date of Decision: April 15, 2020

Date of Mailing of Notice of Decision: April 17, 2020

FILE NO.: AP 20-0002: Appeal of Historic Review Board conditional approval of GLUA-20-00006 and HR 20-02: Historic Review for a new two-story mixed-use building in the McLoughlin Conservation District.

HEARING DATE: April 15, 2020
7:00 p.m. – City Hall
625 Center Street
Oregon, City, Oregon 97045

**APPELLANT/
APPLICANT/
REPRESENTATIVE:** Bogdan Smolinets
NW Custom Homes Inc.
15730 SE Bybee Rd
Portland, OR 97236

OWNER: Peter Ng
168 Terrace Ave
Oregon City, OR 97045

LOCATION: 920 7th Street
Oregon City, OR 97045
Clackamas County Map 2-2E-31AD-09400

BACKGROUND: On February 26, 2020 the Historic Review Board conditionally GLUA-20-00006 and HR 20-02: Historic Review for a new two-story mixed-use building in the McLoughlin Conservation District. The applicant appealed the decisions on March 10, 2020.

The appellant sought revision of Conditions #1 and #2 of GLUA 20-0006/HR 20-0002 that were adopted by the Historic Review Board (HRB) as follows:

- 1.The Applicant shall revise the floor heights to meet the guidelines to at least 11 feet for commercial areas, and at least 10 feet for residential areas.
- 2.The Applicant shall ensure that the new structure walls are placed at least five feet from the Church building eave, or to meet minimum building code requirements, whichever is greater.

The appellant contends that the HRB approved all of the internal floor heights as proposed, including 8 feet residential floor heights on the second story and Condition of Approval #1 incorrectly requires the second story residential floor to be 10-feet. Similarly, with regard to Condition of Approval #2, the appellant argues HRB understood the 5-foot separation from the existing structure would only apply to the portion of the wall with windows and doors.



DECISION OF THE CITY COMMISSION: The City Commission's review of the Historic Review Board's decision is limited to the issues raised in the notice of appeal based on evidence that was already in the record. The City Commission heard the Appeal, AP-2000002, at the April 15, 2020 City Commission meeting and voted 5-0 to uphold the appellant's request to allow 8-foot ceiling heights on the second floor (Condition of Approval #1) and rejected the appellant's request for a closer setback (Condition of Approval #2) thereby approving Planning File GLUA-20-00006 and HR 20-00002 with revised Conditions of Approval.

Pursuant to OCMC 17.50.030(B), the city commission decision is the city's final decision and is subject to review by the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

Revised Conditions of Approval

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

Prior to issuance of Building Permits:

1. The applicant shall revise the floor heights to meet the guidelines to at least 11 feet for commercial areas, and at least 10 feet for residential areas on the ground floor. Eight foot floor heights are allowed on the second floor. *
2. The applicant shall ensure that the new structure walls are placed at least five feet from the Church building eave, or to meet minimum building code requirements, whichever is greater.
3. Minor changes to window placement or location on side and rear facades are permitted without additional HRB review.

Prior to issuance of a Certificate of Occupancy:

4. The window sash shall be the darkest color of the paint scheme.
5. The applicant shall use historically appropriate decorative lighting with medium to warm color. All signs shall be externally lit.
6. The horizontal fiber cement board siding shall be smooth.
7. The applicant shall ensure that shakes/shingles are straight across and not jagged.
8. Balcony railing material shall be wood with top and bottom rail, and balusters interior to the rail.
9. Aluminum doors shall be finished; no bare aluminum is allowed.
10. The awning shall be no steeper than 45 degrees from horizontal. No shiny or coated awnings are allowed. (P)

** As amended by AP 20-00002*