



**Historic Review
Staff Recommendation
May 20, 2024**

FILE NO.: GLUA-24-0005 and HR 24-00004: Historic Review:

HEARING DATE: May 28, 2024
7:00 p.m. – City Hall
Robert Libke Public Safety Building,
1234 Linn Avenue, Oregon City 97045

APPLICANT: 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
Zoning: MUC-1

REQUEST: To allow metal railing on a previously approved new construction mixed-use project in the McLoughlin Conversation District. Previous approval required wood railings. The applicant wishes to use black metal railings on the second-floor exposed balconies, which will have a longer life span and are more appropriate for a commercial mixed-use building. If the Historic Review Board does not approve the revised railing material, the applicant understands that he will need to replace the existing metal railing with wood railings prior to obtaining a Certificate of Occupancy for the project. (Modification to HR 20-02, AP 20-02 condition #9)

CRITERIA: Administration and Procedures are set forth in Chapter 17.50, Chapter 17.40, Historic Overlay District in Chapter 17.40 of the Oregon City Municipal Code. The City Code Book is available on-line at www.oregoncity.org.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the hearing, in person or by letter, with sufficient specificity to afford the Historic Review Board and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity

will preclude any appeal on that issue. The decision of the Historic Review Board may be appealed to the City Commission by parties with standing within fourteen (14) calendar days of the notice of decision.

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.

Revision to Condition of Approval #8 of AP 20-01 & HR 20-02

8. Balcony railing material shall be wood, black metal, or composite material with top and bottom rails and balusters interior to the rail. The applicant shall choose only one material option for the railings.

Staff Recommendation and Background.

The applicant received approval to construct a new mixed-use development in the McLoughlin Conservation District (HR 20-02). One of the Historic Review Board's conditions relate to the second-floor exposed balcony railings. The applicant appealed the HRB approval on two other items (building height and building setback) to the City Commission. Through the appeals process, the city allowed the reduction of the second-story height but denied the request to reduce the building setback. The applicant did not choose to appeal the railing material at that time.

The applicant submitted plans for new construction, including details for a metal railing in the building permit package. Unfortunately, this detail was not highlighted to staff and was missed during the building permit review. However, the Historic Review Board's condition of approval still stands regarding the railing material unless revised through a Type III process.

In order to ensure the project can continue in a timely manner, the applicant has proceeded with the intended metal railing. The applicant understands that if the Historic Review Board does not approve the revised railing material, he will need to replace the existing metal railing with wood railings before obtaining a Certificate of Occupancy for the project.

Staff agrees with the approach for a metal railing on this mixed-use infill project; many of the railing locations are on exposed decks or partially exposed decks and will weather quickly under the elements. Staff also believes that the initial staff recommendation was incorrect as while wood railings could conceivably be part of a more predominately lap-sided commercial infill project, this proposal is a contemporary approach to a mixed-use building with both brick and lap-siding elements, various types of railing materials would be acceptable such as composite or metal. Staff, though, does not recommend mixing the railing material type on the building.

Staff recommends that the Historic Review Board allow the following modification to the previous condition of approval.

8. Balcony railing material shall be wood, black metal, or composite material with top and bottom rails and balusters interior to the rail. The applicant shall choose only one material option for the railings.

While the applicant is not proposing a composite material, staff recommends this type of modification to the condition to better convey the Board's intention for compatible design elements on infill commercial buildings.

Previous Project Proposal

AP 20-01 APPROVAL AND FINDINGS

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. Revised Conditions of Approval are noted in red below.

HR 20-02 APPROVAL AND FINDINGS

On February 26, 2020, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Historic Review Board voted 5-0 to approve the proposal with conditions. The Oregon City Historic Review Board adopted as its own the Staff Report with findings and Conditions of Approval for File Number HR 20-02. The Board agreed with the comments of the McLoughlin Neighborhood Association regarding the proposed 8:12 roof pitch being appropriate, along with the bay window being unnecessary. They thought the design was similar enough to the church House and that changing the roof pitch or adding a bay window would be too similar. The proposed design provides appropriate differentiation. The Board did not find that additional Queen Anne elements were necessary.

In order to reduce the height of the building and not overpower the adjacent historic structure, the Board found that an 11-foot floor height for the commercial space would be appropriate.

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Prior to issuance of Building Permits:

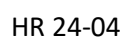
1. The applicant shall revise the floor heights to meet the guidelines to at least 11 feet for commercial areas, and at least 10 feet for residential areas on the ground floor. Eight-foot floor heights are allowed on the second floor. *

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)

Site and Context



Vicinity Map



May 2024- Rear of Building from Monroe Street



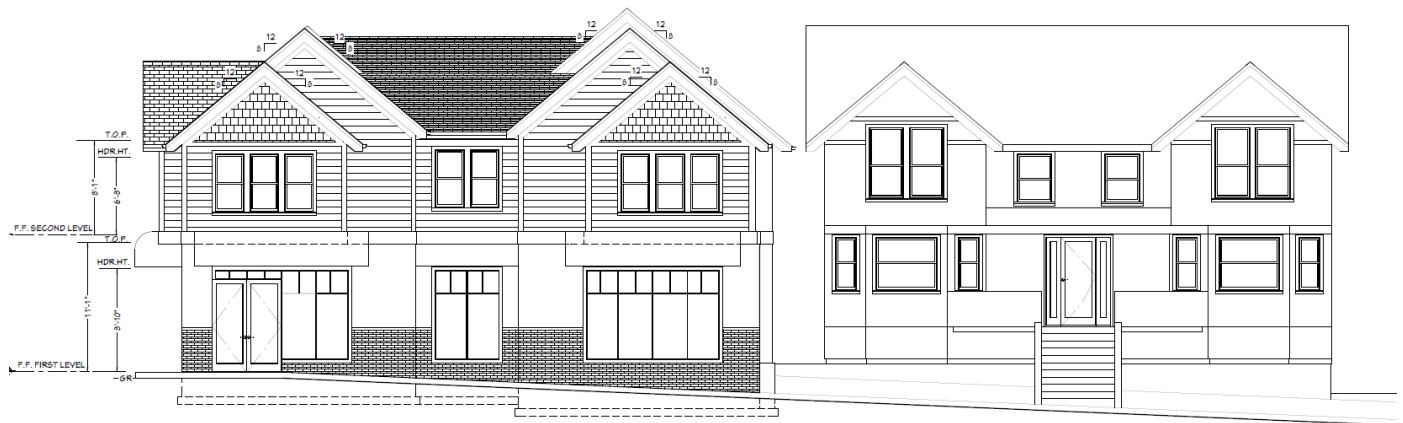
May 2024- Side of Building from Monroe Street



May 2024- Side of Building from Monroe Street

APPLICANT'S SUBMITTAL:

Site Plan



SEVENTH STREET NORTHEAST / FRONT ELEVATION

Streetscape Illustration- HR 20-02 AP 20-01 drawings



Front elevation HR 20-02 & AP 20-01 drawings

Floor plans



Interior side elevation HR 20-02 AP 20-01 drawings



Monroe Street elevation HR 20-02 AP 20-01 drawings



Rear elevation HR 20-02 AP 20-01 drawings

Project Summary:

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The applicant submitted plans for new construction, including details for a metal railing in the building permit package. Unfortunately, this detail was not highlighted to staff and was missed during the

building permit review. However, the Historic Review Board's condition of approval still stands regarding the railing material unless revised through a Type III process.

In order to ensure the project can continue in a timely manner, the applicant has proceeded with the intended metal railing. The applicant understands that if the Historic Review Board does not approve the revised railing material, he will need to replace the existing metal railing with wood railings before obtaining a Certificate of Occupancy for the project.

Zoning:

The property is zoned MUC-1 Mixed Use Corridor.

Public Comment:

McLoughlin Neighborhood Association.

The MNA commented that they felt the request was reasonable but were frustrated by the applicant's inability to build this and other projects to the required Conditions of Approval and lack of detailed responses to the applicable criteria.

CODE RESPONSES:

17.40.060 - Exterior alteration and new construction.

A. *Except as provided pursuant to subsection I of this section, no person shall alter any historic site in such a manner as to affect its exterior appearance, nor shall there be any new construction in an historic district, conservation district, historic corridor, or on a landmark site, unless a certificate of appropriateness has previously been issued by the historic review board. Any building addition that is thirty percent or more in area of the historic building (be it individual or cumulative) shall be considered new construction in a district. Further, no major public improvements shall be made in the district unless approved by the board and given a certificate of appropriateness.*

Applicable: The proposal is being reviewed by the Historic Review Board as it modifies a Condition of Approval from HR 20-04, AP 20-01 for an infill new construction project in the McLoughlin Conservation District. Modification to condition must be reviewed at the same level the condition was created (Type III process)

B. *Application for such a certificate shall be made to the planning staff and shall be referred to the historic review board. The application shall be in such form and detail as the board prescribes.*

Complies as Proposed: The applicant submitted application materials.

C. *Archeological Monitoring Recommendation. For all projects that will involve ground disturbance, the applicant shall provide,*

1. *A letter or email from the Oregon State Historic Preservation Office Archaeological Division indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the Oregon State Historic Preservation Office and that the Oregon State Historic Preservation Office had not commented within forty-five days of notification by the applicant; and*
2. *A letter or email from the applicable tribal cultural resource representative of the Confederated Tribes of the Grand Ronde, Confederated Tribes of the Siletz, Confederated Tribes of the Umatilla, Confederated*

Tribes of the Warm Springs and the Confederated Tribes of the Yakama Nation indicating the level of recommended archeological monitoring on-site, or demonstrate that the applicant had notified the applicable tribal cultural resource representative and that the applicable tribal cultural resource representative had not commented within forty-five days of notification by the applicant.

If, after forty-five days notice from the applicant, the Oregon State Historic Preservation Office or the applicable tribal cultural resource representative fails to provide comment, the city will not require the letter or email as part of the completeness review. For the purpose of this section, ground disturbance is defined as the movement of native soils.

Complies as Proposed. Oregon SHPO and the Native American tribes listed above were notified of the proposed ground disturbance in 2012 and 2014 when the property was the subject of a separate land use application. The City also sent notification in 2019 as a result of a pre-application conference submittal. Due to the existing foundation, no ground disturbance of native soils is likely. This application will not affect the disturbance of native soil.

D. [1.] The historic review board, after notice and public hearing held pursuant to Chapter 17.50, shall approve the issuance, approve the issuance with conditions or disapprove issuance of the certificate of appropriateness.

Applicable: The proposal is being reviewed by the Historic Review Board as it is a modification of a Condition of Approval from HR 20-04, AP 20-01.

- 2. The following exterior alterations to historic sites may be subject to administrative approval:
 - a. Work that conforms to the adopted Historic Review Board Policies.**

Not Applicable: The proposal is not subject to administrative approval as it as a

E. For exterior alterations of historic sites in an historic district or conservation district or individual landmark, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall be:

Not Applicable: The proposal is not an exterior alteration to an historic structure .

F. For construction of new structures in an historic or conservation district, or on an historic site, the criteria to be used by the board in reaching its decision on the certificate of appropriateness shall include the following:

- 1. The purpose of the historic conservation district as set forth in Section 17.40.010;*

Finding: Complies as Proposed..

The purpose of the district is:

- A. Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;*
- B. Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and districts;*
- C. Complement any National Register Historic districts designated in the city;*
- D. Stabilize and improve property values in such districts;*
- E. Foster civic pride in the beauty and noble accomplishments of the past;*
- F. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;*
- G. Strengthen the economy of the city;*
- H. Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and public welfare of the city; and*
- I. Carry out the provisions of LCDC Goal 5.*

Finding: Complies as Proposed.

New construction and large additions meeting adopted design standards can add economic and social value to the district. Compatible infill in an existing compact neighborhood reduces the need for further expansion of the city, which adds considerable savings to the cost of infrastructure. See detailed findings and conditions in the design guidelines section in this staff report. By meeting the conditions of approval, the home will complement the district. **Staff has determined that it is possible, likely, and reasonable for the applicant to meet this standard through the Conditions of Approval.**

2. *The provisions of the city comprehensive plan;*

Finding: Complies as Proposed.

POLICY 2.3 Facilitate historic preservation programs for retention of federal, state, and locally designated historic districts and sites.

STRATEGY 2.3.A Promote the designation of qualifying properties outside Historic and Conservation Districts as historic.

STRATEGY 2.3.B Maintain Oregon City's status as a Certified Local Government in the National Historic Preservation Program.

STRATEGY 2.3.C Encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.

Finding: Complies. The adopted 2022 Oregon City Comprehensive Plan looks at emailing historic resources, including the McLoughlin Conservation District. The installation of a compatible metal railing on an approved infill mixed-use New Construction will not adversely affect the significant of the district. This standard is met.

3. *The economic effect of the new proposed structure on the historic value of the district or historic site;*

Finding: Complies as Proposed. The mixed-use building is proposed in the McLoughlin Conservation District. Approving this development will add additional housing stock in an area with a housing shortage and increase the housing options for people within Oregon City or looking to move to Oregon City.

4. *The effect of the proposed new structure on the historic value of the district or historic site;*

Finding: Complies as Proposed . The proposed structure is complementary to historic structures on 7th Street with the conditions of approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

5. *The general compatibility of the exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure;*

Finding: Complies as Proposed.

As conditioned, the design will continue to enhance the McLoughlin Conservation District and contribute to its existing context.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

6. *Economic, social, environmental and energy consequences;*

Finding: Complies as Proposed. A mixed-use building is proposed for the McLoughlin Conservation District. Approving this development will add 13 units of additional housing stock in an area with a housing shortage and increase the housing options for people within Oregon City or looking to move to Oregon City. Compatible infill in an existing compact neighborhood reduces the need for further expansion of the city, which adds considerable savings to the infrastructure cost.

7. *Design guidelines adopted by the historic review board.*

Staff has included applicable standards for this railing request.

DESIGN COMPOSITION

Include a range of more detailed design issues that address groups of elements, individual elements, their design and how they relate to the overall composition and finish. The principles place a traditional emphasis on the design's composition as seen from the exterior, rather than as a result of interior functional planning requirements. They also outwardly convey a sense of quality craftsmanship. The design composition principles, being more detailed, and stylistically dependent, are typically developed after the previous principles are resolved. These principles also reflect historically appropriate materials, respective finishes, and unobtrusive integration of new technology.

DESIGN COMPOSITION CHARACTERISTICS OF MCLOUGHLIN COMMERCIAL BUILDINGS

- *Mostly single or double store design to 100 feet in width. Wider than 100 feet requires style change.*
- *False front: covering front gable roof or just an extended wall; may have a parapet on each side (possibly not rear) hiding a low sloped roof.*
- *Streetcar Commercial: wood or masonry construction and finish; generous ground floor retail display with individual or grouped upper level double hung windows in an otherwise solid wall.*
- *Large ground floor storefront windows with short bulkhead wall below and very often with transom windows above; wood frames or appropriate metal. Trim at window/transom frame edges.*
- *Often recessed store entries; side entries typically not recessed. Separate entries for individual stores.*
- *Streetcar Multifamily: wood or masonry construction and finish. Less emphasis on retail display, but location of public and lobby areas adjoining the public way. Possible upper level window bays within the width and height of the primary or side façades. Possible entry projection.*
- *Upper Level Entry: typically a single shared entry with small lobby.*
- *Upper story wood framed windows designed as 'punched' openings in the otherwise solid wall, regularly spaced; individual, paired double hung design or triple units with fixed center and double hung side lights. Possible transom windows. Possible flat arch windows in masonry walls.*
- *Façade with modest, but defining cornice, possible belt cornice. Wood exteriors can support more detailing; masonry or plaster finished buildings with less detail and ornamentation; typically, no significant form projections or recesses except window bays or entries.*
- *Materials/Finish: cement plaster (stucco), brick, concrete with plaster over, horizontal board siding; fabric awnings, possible flat steel/wood building supported canopy.*

Finding: Complies with Conditions.

Staff agrees with the approach for a metal railing on this mixed-use infill project; many of the railing locations are on exposed decks or partially exposed decks and will weather quickly under the elements. Staff also believes that the initial staff recommendation was incorrect as while wood railings could conceivably be part of a more predominately lap-sided commercial infill project, this proposal is a contemporary approach to a mixed-use building with both brick and lap-siding elements, various types of railing materials would be acceptable such as composite or metal. Staff, though, does not recommend mixing the railing material type on the building.

Staff recommends that the Historic Review Board allow the following modification to the previous condition of approval.

8. Balcony railing material shall be wood, **black metal, or composite material** with top and bottom rails and balusters interior to the rail. **The applicant shall choose only one material option for the railings.**

While the applicant is not proposing a composite material, staff recommends this type of modification to the condition to better convey the Board's intention for compatible design elements on infill commercial buildings.

II. CONCLUSIONS AND RECOMMENDATIONS

Based on the following findings, staff recommends that the Historic Review Board approve HR 24-04 with revised condition #8 for the property located at 920 7th Street Avenue, Oregon City, Oregon 97045.

Exhibits

1. Applicant Submittal
2. Public Comments- McLoughlin Neighborhood Association
3. AP 20-01
4. HR 20-02