



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

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Date: November 9, 2012
To: Interested Person
From: Mark Bello, Land Use Services
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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 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 12-189237 HDZ

BINGHAM HOUSE EXTERIOR ALTERATION

GENERAL INFORMATION

Applicant: Anton Pardini
2037 NW Lovejoy St / Portland OR 97209

Owner Doyle Lovejoy LLC
2844 SW Hillsboro St / Portland, OR 97239

Architect: Jeff Stern / In Situ Architecture
1927 NW Kearney St / Portland OR 97209

Site Address: 2037 NW LOVEJOY ST

Legal Description: BLOCK 1 LOT 3, NOB HILL ROWHOMES
Tax Account No.: R606600050 **State ID No.:** 1N1E33BD 00500
Quarter Section: 2927
Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Mike Conklin at 503-226-6126.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: Northwest
Zoning: RH, High Density Residential
Case Type: HDZ Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal: This property is a contributing historic resource in the historic Alphabet District and is known as the Bingham House. It was designed by AE Doyle in the Colonial Revival style and was constructed in 1905. The project involves replacing an existing basement window on the side elevation (west) with a taller window (lowered sill) and a corresponding egress well. The applicants' drawings note that the area of work is not visible from the street. The window is wood and will replace incompatible elements applied previously (plywood infill and fan).

Because the site is within the Alphabet Historic District, historic design review is required.

Relevant Approval Criteria:

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

- 33.846 Historic Reviews
- Historic Alphabet District—Community Design Guidelines Addendum

ANALYSIS

Site and Vicinity: The building is considered to be contributing within the Alphabet District as a good example of a Colonial Revival style residence and is therefore significant as part of the larger grouping of historic residences in NW Portland.

This residence is located on the north side of NW Lovejoy Street on an interior lot. The two-story building has a symmetrical, square plan, a brick foundation, and a basement. The main entrance is located on NW Lovejoy Street under a classical portico with a denticulated pediment and fluted pilasters. The predominant window type is 12-over-12, double-hung wood sash with decorative shutters. The National Register nomination form notes that there have been window modifications but neglects to state which windows have been modified.

The building is known as the Bingham House, a prominent builder of the era and is the only known example of A.E. Doyle’s work in the Alphabet District. Architect A.E. Doyle designed this building while still employed with the Whidden and Lewis firm.

The building is flanked by modern rowhouses to the west and east. The area is mostly developed with apartment buildings.

Zoning: The High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

Land Use History: City records indicate there are no prior design reviews for this site. (There were conditional use cases in 1969 (CU 32-69) and 1980 (CU 79-89).

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **October 11, 2012**. The Life Safety Plans Examiner responded with information regarding the building code.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 11, 2012. 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 Design Review

Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is located within the Alphabet Historic District and the proposal is for a non-exempt treatment. Therefore Historic Design Review approval is required. The approval criteria are the *Community Design Guidelines* and the *Historic Alphabet District Community Design Guidelines Addendum*.

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

Historic Alphabet District - Community Design Guidelines Addendum

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

Findings: The proposal replaces incompatible elements applied to the building in previous remodels (plywood infill and fan) with a compatible wood window of higher quality suited to this building. *Therefore, this guideline is met.*

2. Differentiate New from Old. New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.

Findings: The basement window lacks historic materials. The existing basement window will be replaced with a new egress window and well that will be clearly differentiated from other basement windows and clearly readable as an outswing casement egress window. *Therefore, this guideline is met.*

3. Hierarchy of Compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a historic or conservation district, with the rest of the District. Where practical, compatibility will be pursued on all three levels. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

Findings: The alteration is compatible in that the window properly aligns with the existing wood window above, has appropriate spacing, has individual glass panes and is made of wood with an appropriate reveal. This treatment is compatible with the historic district period of significance unlike adjacent modern rowhouses. *Therefore, this guideline is met.*

Community Design Guidelines

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.

Findings: The proposal will not affect the form of the building, and will in fact remove existing infill (plywood and fan). The egress casement window will be painted white, with compatible depth from wall to sash, with multi-paned glass of the same dimension as above. *Therefore, this guideline is met.*

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: The egress window makes for an interesting view to new living space in the house, and is selected to be durable, and not detract from the overall composition of the west façade above. *Therefore, this guideline is 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 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 project will replace an inappropriate plywood cover over the basement window and will instead install quality egress window that is sensitive to the architecture of the Bingham House. Applicable approval criteria are met.

ADMINISTRATIVE DECISION

Approval of replacing an existing basement window (west) with a taller window (lowered sill) and a corresponding egress well, on the side elevation of the Bingham House, a contributing resource in the Historic Alphabet District,

Per the approved site plans, Exhibits C-1 through C-2, signed and dated November 7, 2012, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-189237 HDZ. No field changes allowed."

Staff Planner: Mark Bello

Decision rendered by:  **on November 7, 2012**

By authority of the Director of the Bureau of Development Services

Decision mailed: November 8, 2012

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 2, 2012, and was determined to be complete on **October 8, 2012.**

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 2, 2012.

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: February 5, 2012.**

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, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 26, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional 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.

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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **November 27, 2012**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034
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.

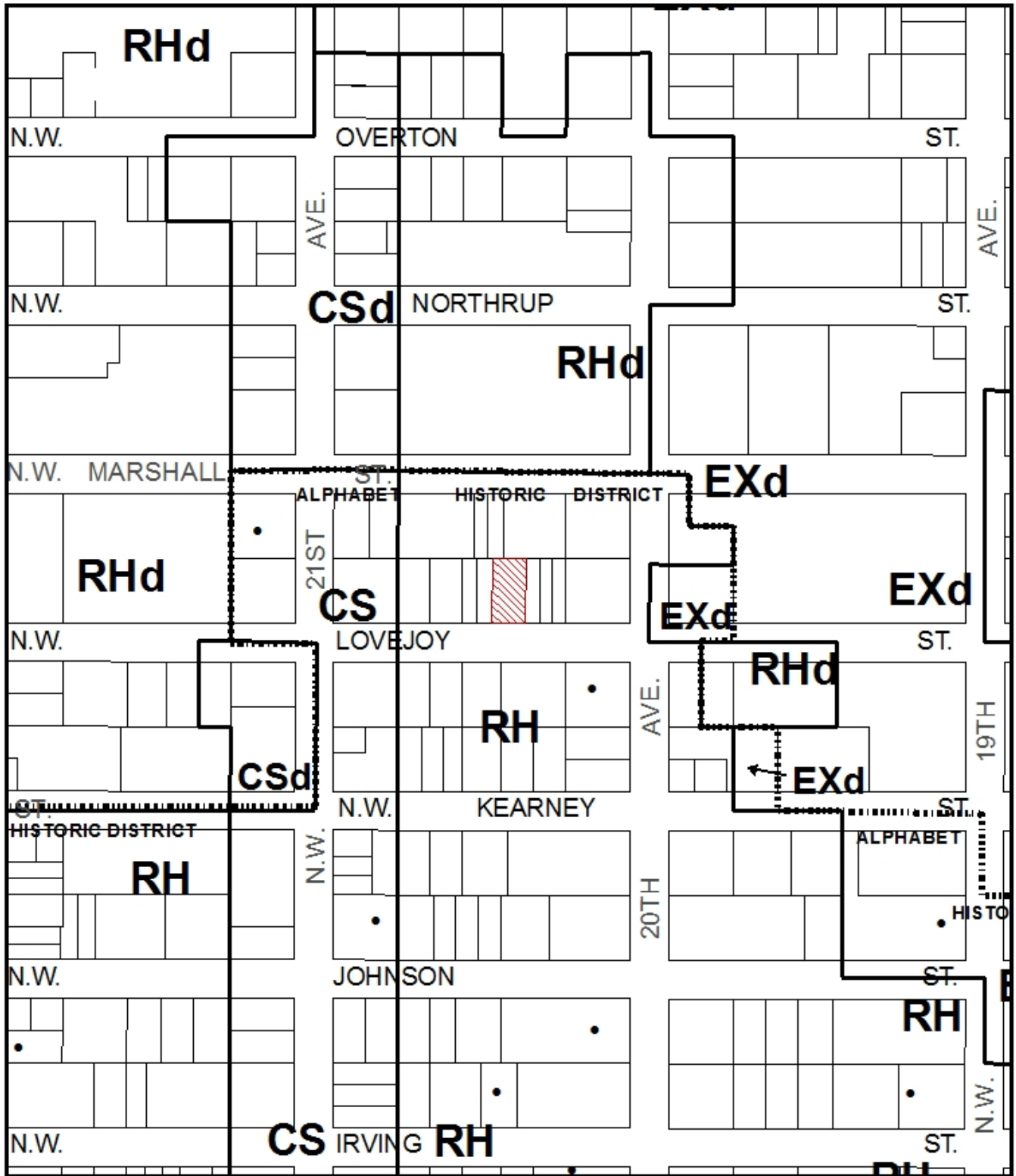
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Scope of Work
 - 3. Existing Conditions
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety, BDS
- F. Correspondence (none)
- G. Other:
 - 1. Original LU Application

2. National Register Property Information

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).



ZONING



Site



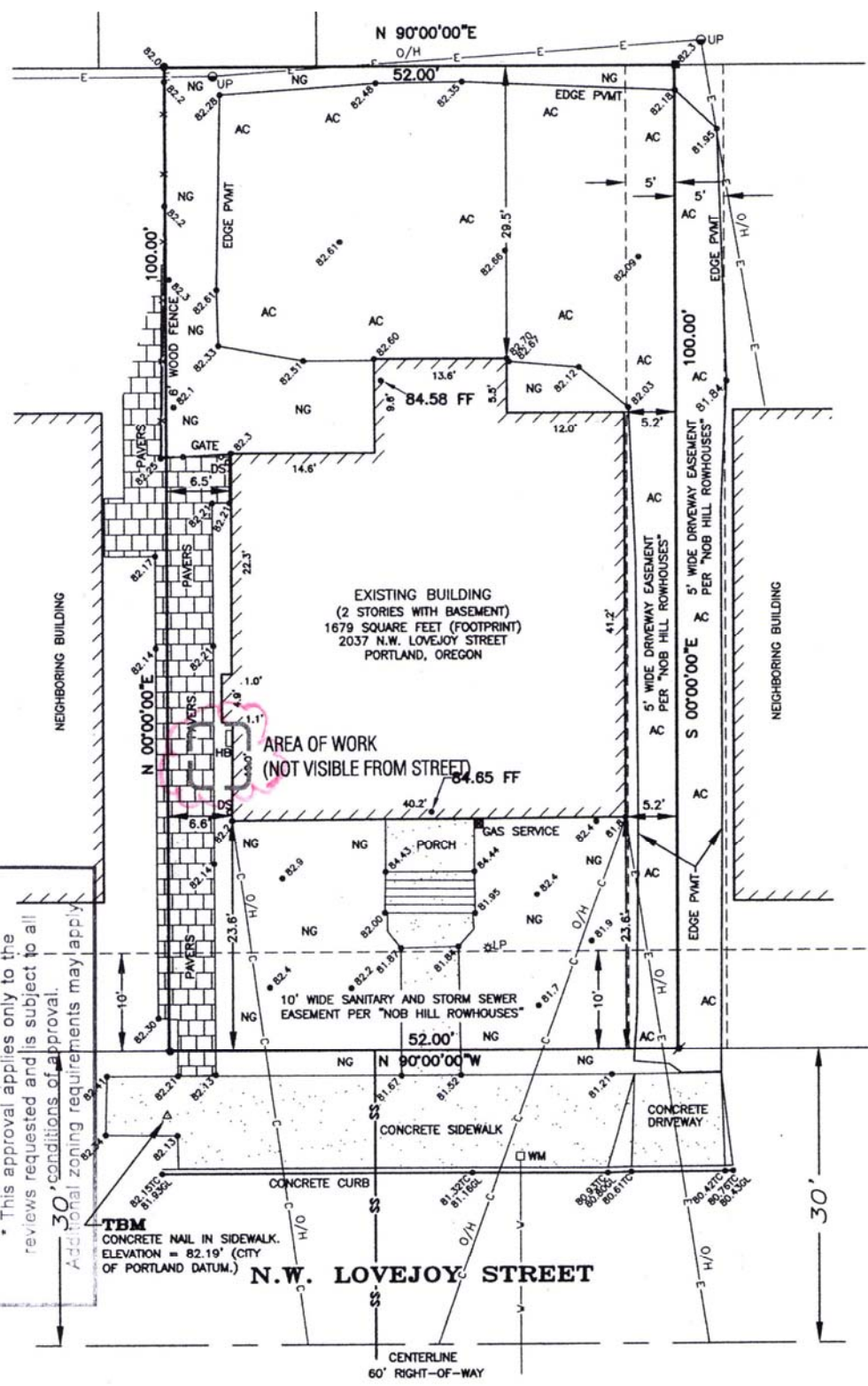
Historic Landmark



NORTH

This site lies within the:
 ALPHABET HISTORIC DISTRICT
 NORTHWEST PLAN DISTRICT

| | |
|-------------|-------------------|
| File No. | LU 12-189237 HDZ |
| 1/4 Section | 2927 |
| Scale | 1 inch = 200 feet |
| State_Id | 1N1E33BD 500 |
| Exhibit | B (Oct 02, 2012) |

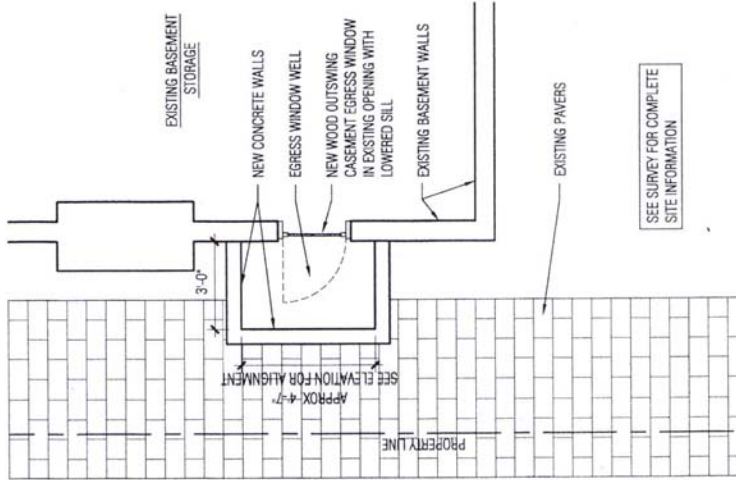


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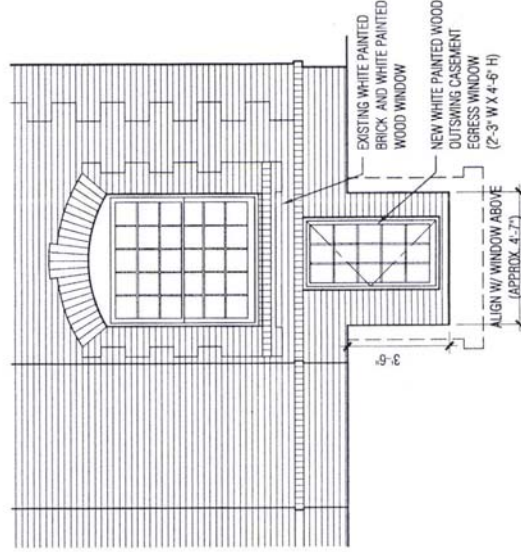
Approved
 City of Portland
 Bureau of Development Services
 Planner 115
 Date 11/7/12
 * This approval applies only to the reviews requested and is subject to all conditions of approval.
 Additional zoning requirements may apply.

CASE NO. 12-189237
 EXHIBIT C1

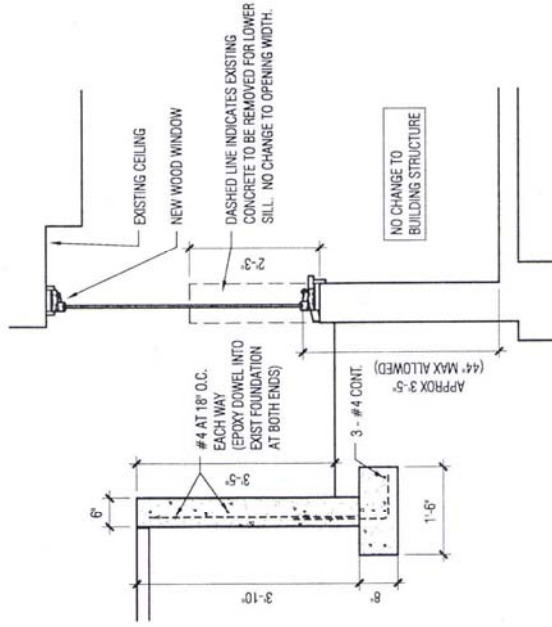
EXISTING SURVEY / SITE PLAN
2037 NW LOVEJOY ST



PARTIAL PLAN



PARTIAL WEST ELEVATION



PARTIAL SECTION AT EGRESS WINDOW

SCOPE OF WORK
2037 NW LOVEJOY ST

Approved
City of Portland
Bureau of Development Services
Planner WMS
Date 11/7/12

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

IN SITU ARCHITECTURE
OCTOBER 2, 2012
A2

CASE NO. 12-189237
EXHIBIT C2