



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: September 22, 2008
To: Interested Person
From: Kate Marcello, 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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-106679 HDZ
NEW EXTERIOR STAIR AT REAR OF IRVING HOUSE CONDOMINIUMS

GENERAL INFORMATION

Applicant: Shawn Kolitch
2259 NW Irving St / Portland, OR 97210
(503) 224-6655

Owners: Association Of Unit Owners Of Irving House Condominiums
5051 SW Monica Ct / Portland, OR 97221

Architect: John Finklea
3223 SW Naito Pkwy / Portland, OR 97239
(503) 248-0617

Site Address: 2253-2259 NW Irving St

Legal Description: COMMON ELEMENTS, IRVING HOUSE CONDOMINIUM; LOT 1, IRVING HOUSE CONDOMINIUM; LOT 2, IRVING HOUSE CONDOMINIUM; LOT 3, IRVING HOUSE CONDOMINIUM; LOT 4, IRVING HOUSE CONDOMINIUM

Tax Account No.: R419700010, R419700050, R419700100, R419700150, R419700200
State ID No.: 1N1E33BC 60000, 1N1E33BC 60001, 1N1E33BC 60002, 1N1E33BC 60003, 1N1E33BC 60004

Quarter Section: 2927

Neighborhood: Northwest District, contact John Bradley at 503-227-7484.

Business District: Nob Hill, contact Peggy Anderson at 503-417-8960.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest

Other Designations: Secondary Contributing Structure in Alphabet Historic District

Zoning: High-Density Residential (RH)

Case Type: Historic Design Review (HDZ)

Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal: The applicant requests Historic Design Review approval for a new exterior stair on the rear façade of the Irving House Condominiums. The stair is being constructed to replace a stair that was removed about a year ago. The new stair will have the same general configuration as the previous one. Landings at all three levels of the house will provide access from each of the above-ground condominiums. Wood mounting boards located on the building façade that had been used to attach the previous stair structure to the house are being re-used to attach the new stair structure. The stair structure will be composed entirely of cedar. The guardrails will consist of 2x2 balusters, 4x4 posts, and 2x4 upper and lower rails. The posts used to attach upper parts of the structure to lower parts, and to anchor the entire structure to the ground, will be 6x6's. At the ground, the 6x6 posts and stringers will anchor the stair structure to existing concrete footings that had been used to anchor the previous stair structure. If some of the concrete footings are not in sufficient condition to anchor the stair stringers, they will be removed and replaced.

Because the proposal is for exterior alterations to a building in a 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, Portland Zoning Code. The relevant approval criteria are:

- 33.846 Historic Reviews
- Oregon Statewide Planning Goals*
- *Community Design Guidelines*
- *Historic Alphabet District: Community Design Guidelines Addendum*

***Note:** *The Northwest Plan District is a post-acknowledgment Comprehensive Plan amendment under ORS 197.625 and is currently on appeal to Land Use Board of Appeals [LUBA]. Under ORS 197.625(3)(a) prior to acknowledgment, the amendment is effective at the time specified by the local ordinance and is applicable to all land use decisions. Under Subsection (3)(b), approval of land use decisions subject to an unacknowledged amendment must include findings in compliance with the Statewide Planning Goals applicable to the amendment.*

ANALYSIS

Site and Vicinity: The subject building is the Sadie F. Shemanski House, constructed in 1908. Sadie Shemanski was the wife of Joseph Shemanski, a Polish immigrant who came to Portland and worked as a traveling clock salesman before founding the Eastern Outfitting Company and becoming a successful businessman. The couple married on July 31, 1898. Sadie's maiden name was Zanansky. She came to Portland from San Francisco, where she was born and raised. She and Joseph bore two children. In 1926, Joseph gave the City of Portland a fountain designed by local architect Carl L. Linde. The cast Oregon sandstone fountain, now known as Shemanski Fountain, is located in the South Park Blocks. Joseph donated the fountain to "express in small measure gratitude for what the city has done for me."

The Sadie F. Shemanski house is classified as a Secondary Contributing Structure in the Alphabet Historic District. It is considered to be a good example of a Craftsman-style residence. The building contains four condominium units. The two-and-a-half-story building has a rectilinear plan and fronts NW Irving Street. It is a wood-frame structure with a concrete foundation. The gabled roof has projecting eaves with modillions on the south façade and consoles at the west façade. The exterior is clad in wood shingles, which flare at the water-table level. The main entrance is on the south façade (facing NW Irving Street). The entry door is a single-panel wood door with an arched lite. There is a small entry porch with shingled posts and a closed, shingled balustrade. On the rear façade at the northeast corner, there is an enclosed secondary entry porch. The building's predominant window type is one-over-one, double-hung wood sash with slip sills. On the front façade, there is a tripartite window with multi-paned casement side-lites. The west façade has a tall, arched window and an oriel

window. On the east façade, there is a projecting bay window. The roof has projecting eaves and exposed rafters. The basement is partially above grade. There are two interior chimneys; one is brick and the other is shingled. Significant alterations to the building over time include the addition of a skylight to the center of the roof, and conversion from a single-family residence to condominium ownership.

The vicinity contains a mixture of residential structures, retail storefronts, and small offices. NW 23rd and 21st Avenues are the nearest commercial corridors, containing mostly small boutiques, restaurants, bars, and coffee shops.

Zoning: The High-Density Residential (RH) zone is a high-density multi-dwelling residential zone. Certain retail sales and service and office uses are allowed as conditional uses to provide mixed-use development on larger sites that are close to light rail transit facilities. The maximum residential density is limited to a FAR of 2:1 on this site, and the minimum density is one unit per 1,000 square feet of site area. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development, 3,000 square feet for development with detached houses, 800 square feet for development with attached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

The Historic Resource Protection overlay zone is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region's heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

Land Use History: City records indicate no prior land use reviews for this site.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed April 21, 2008. The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Environmental Services;
- Bureau of Transportation Engineering & Development;
- Urban Forestry Division of Portland Parks & Recreation; and
- Site Development Section of the Bureau of Development Services.

The Life Safety (Building Code) Section of the Bureau of Development Services responded with the following comment. Please see Exhibit E-1 for additional details.

A Building Permit has been applied for and is currently under review or has been issued or, a Life Safety plans examiner has been in contact with the applicant. Please refer to correspondence from the Life Safety plans examiner for building code-related comments.

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on April 21, 2008. Six written comments in response to the proposal have been received from notified property owners and other members of the public.

1. Flora Engelmann, co-owner of an Irving House condominium unit, submitted a letter dated May 6, 2008. The letter asks that concerns be addressed "if this project is to move forward." The concerns include visibility of the uppermost landing from NW Irving Street, the 4-foot width of the stair (required width for emergency egress is only 3 feet), and the placement of structural members directly in front of ground-floor windows.
2. Julie Osborne, a resident of Salem, Oregon who is "familiar with the Alphabet Historic District," submitted comments electronically on May 10, 2008. The e-mail asks for "clarification on the relative scale and massing of the proposed new stairway." Osborne points out that the proposal notice states that the new stair will have the "same general

- configuration” as the previous egress stair, but that the new stair will be actually be different: The uppermost landing will be larger, and the stairs will be wider.
3. Reno Tibke, a notified property owner on nearby NW Westover Road in the Northwest District neighborhood, submitted comments electronically on May 11, 2008. The e-mail expresses concern that “a kind of deck” is being created by what should simply be an emergency egress stair. Tibke posits that “norms of acceptable construction on historic buildings in Portland’s historic districts would prohibit such drastic alteration.”
 4. Reinhart Engelmann, co-owner of an Irving House condominium unit, submitted comments electronically on May 11, 2008. The e-mail expresses concern that the new stair is “a considerable expansion of the original structure,” especially at the uppermost landing. The stair is “supposed to serve as an escape route...in case of fire emergency” and need only be large enough to accommodate this purpose. The e-mail also expresses concern that the new stair would interfere with first- and second-floor windows and be visible from NW Irving Street.
 5. Linda Dodds, owner of an Irving House condominium unit, submitted a letter dated May 11, 2008 via electronic mail. The letter expresses concern regarding the size and visual prominence of the uppermost landing, the width of the new stair, the placement of structural supports directly in front of first-floor windows, and the possibility that the bottom landing’s proximity to the rear porch may not meet current building code standards. Dodds states that the new stair as proposed would “detract significantly from the value and integrity of this historic property.”
 6. Rosalind Keeney, a resident of Albany, Oregon and former resident of the Alphabet Historic District, submitted comments electronically on May 12, 2008. The e-mail expresses concern that all of the Irving House condominium owners may not have agreed to the proposed stair design; that the proposal may not meet the applicable design guidelines; and that egress standards of the building code may not be met by the new stair. The e-mail also requests explanation regarding the claim in the proposal notice that the new stair “will have the same general configuration as the previous one.”

Staff response:

The proposed stair design has undergone changes to address concerns:

- *The uppermost landing has been reduced in size to the maximum needed for egress purposes.*
- *The stair width has been reduced from 4'-0" to 3'-6".*
- *The configuration has been changed so that less of the historic rear façade is affected by the stair. The stair was originally proposed to extend across the entire rear façade, with the lower landing located near the northeast corner of the building, directly adjacent to the rear porch. Now the stair will have a switchback that results in the lower landing being located near the northwest corner of the building instead.*
- *Structural supports will no longer be located directly in front of first-floor windows. Steps will extend in front of the windows, but this is necessary to lessen the stair’s overall impact on the rear façade.*

For additional information, see findings for the applicable design guidelines below, and refer to Exhibits F-1 through F-6.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

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 a designated Historic Landmark. Therefore the proposal requires historic design review approval. Because the site is located within the Alphabet Historic District, the relevant approval criteria include the Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum [33.846.060 E.1.c]. Because the Northwest Plan District is a post-acknowledgment Comprehensive Plan amendment under ORS 197.625 and is currently on appeal to the Land Use Board of Appeals (LUBA), relevant approval criteria also include the Oregon Statewide Planning Goals applicable to the Comprehensive Plan amendment.

Historic Alphabet District - Community Design Guidelines Addendum

These guidelines were adopted on September 5, 2000 and were developed to work with the Community Design Guidelines to provide a set of guidelines specific to the district. Staff has considered all guidelines and will hereby address only those considered applicable to this proposal.

Community Design Guidelines

These guidelines provide the constitutional framework for all design review areas outside the Central City that are not covered by their own specific area design guidelines. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other transportation systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city. Staff has considered all guidelines and will hereby address only those considered applicable to this proposal.

The Historic Alphabet District Guidelines and Community Design Guidelines are addressed first, followed by the Oregon Statewide Planning Goals.

[1] HISTORIC ALPHABET DISTRICT APPROVAL CRITERIA:

1. Historic Changes.

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

Findings for 1: The proposal does not affect any changes that have acquired historic significance. The egress stair that is being replaced was added to the subject building in the 1980s and did not acquire historic significance. *Therefore this criterion 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.

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 for 2, 3: The historic materials of the subject building will be retained. The stair structure will be installed on the rear façade of the building using wooden mounting boards. Two of the mounting boards remaining on the façade from the previous stair structure will be re-used. Where new mounting boards must be installed, the existing shingle siding will be protected to minimize damage. If any shingle siding in the vicinity of the mounting boards is damaged, it will be replaced in kind.

The proposed stair structure is compatible with the subject building. The stair structure has been sized to have minimal visual effect on the building. The width of the steps is 3'-6" inches, with is only 0'-6" wider than what is required by the Building Code for emergency egress. Each landing is at the minimum size required. The uppermost landing has been reduced in size so that it is not visible from NW Irving Street. Additionally, the stair has been configured to have minimal visual effect on the building. The original configuration had the stair starting at the uppermost landing and heading directly east down the rear façade, with the lower landing protruding past the northeast corner of the ground floor. The lower landing would have been visible to passersby on NW Irving Street, possibly detracting from the architectural integrity of the building when viewed from the street. Now the stair structure has been reconfigured to contain a switchback that results in the lower landing being located at the northwest corner of the building. The only part of the stair structure that will protrude past the edge of the building is one post and one step at the bottom landing. The stair structure's location, size, and configuration make it compatible with the subject building, adjacent properties, and the Alphabet Historic District. *Therefore these criteria are met.*

[2] COMMUNITY DESIGN GUIDELINES:

P1. Community Plan Area Character.

Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's unique characteristics and neighborhood traditions.

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.

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.

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.

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 P1, P2, D6, D7, D8: Many contributing structures originally built as single-family homes in Alphabet Historic District, such as the subject building, have been converted for multi-family use. In recent decades, secondary egress stairs have been added to these buildings to comply with current building codes. The best egress stairs are those that fulfill building code standards but also respect the character and architectural integrity of the building and the larger historic district. The proposed stair is successful at this endeavor.

Respect is achieved firstly by minimizing the visual effect of the stair, thus allowing the subject building to remain a cohesive composition. Rather than occupy area along the entire rear façade as initially proposed, the stair structure's configuration has been revised so that it is confined to the western two-thirds of the rear façade. This leaves the existing porch at the northeast corner of the building free of visual or physical obstruction. The configuration of the proposed stair also ensures that it will be difficult to view from NW Irving Street. The only part of the stair that will protrude past the edge of the building and be somewhat visible to passersby on NW Irving is one post and one step at the bottom landing. Secondly, respect is achieved by using high-quality wood materials for all parts of the stair – steps, posts, rails, and beams. This is consistent with

the subject building, which has wood shingle siding, doors, windows, and trim. Through proper placement, configuration, and use of materials, the proposed stair provides secondary egress for the building's residents, while protecting and maintaining the sense of place and identity of the Northwest Plan District and Alphabet Historic District. *Therefore these guidelines are met.*

[3] OREGON STATEWIDE PLANNING GOALS:

Complete text of the Oregon Statewide Planning Goals can be found online at: <http://www.lcd.state.or.us/goalhtml/goals.html>.

1. Citizen Involvement

Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local Governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

2. Land Use Planning

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It states the ways that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

Findings for 1, 2: The City of Portland's land use planning process allows for and actively seeks the involvement of citizens in all types of land use review processes, whether legislative or quasi-judicial. The Type II Historic Design Review process most closely follows these goals at the City and community level. In the design of individual buildings or the alteration of existing ones, citizen involvement is achieved through mailed public notices, neighborhood association meetings, exchange of comments, and opportunities for appeal. Projects that address the concerns of citizens and the broad community are therefore achieved through the review process. Because the designated zoning on the subject site was adopted to comply with the Comprehensive Plan, the process described here implements Portland's Comprehensive Plan. *Therefore Goals 1 and 2 are met.*

3. Agricultural Lands

Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning.

4. Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

Findings for 3, 4: The subject site is not classified as agricultural or forested land. It is developed urban land with a zoning designation of High-density Residential (RH). *Therefore Goals 3 and 4 are not applicable.*

5. Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands.

Findings for 5: The subject site is within the boundaries of the Northwest Plan District and the Historic Alphabet District, so the proposal must meet specific approval criteria. These criteria were designed to conserve and enhance the special characteristics of historic resources. No designated scenic or natural resources are located on the site. *Therefore Goal 5 is met.*

6. Air, Water, and Land Resources Quality

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

Findings for 6: The proposed egress stair does not affect the subject site's ability to contribute to air, water, and land resource quality. The proposal does not increase impervious area on the site. The site's existing stormwater management methods will remain unaffected. *Therefore Goal 6 is met.*

7. Areas Subject to Natural Disasters and Hazards

Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

8. Recreational Needs

This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them.

Findings for 7, 8: The site is not located in an area subject to natural disasters or hazards, nor is the site designated or zoned to provide recreational opportunities. *Therefore Goals 7 and 8 are not applicable.*

9. Economy of the State

Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Findings for 9: The subject site is a four-unit residential building on residentially zoned land. The building has been used as a residential structure since it was constructed in 1908. *Therefore Goal 9 is not applicable.*

10. Housing

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.

Findings for 10: The proposal contributes to the continued use of the building as a four-unit residential structure. The building has been used as a residential structure since it was constructed in 1908. *Therefore Goal 10 is met.*

11. Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs

Findings for 11: All applicable building and fire codes will be addressed and met as part of the work proposed. The site's central location will allow it to continue taking advantage of the existing urban infrastructure, including public services such as utilities, trash and recycling, and police and fire protection. *Therefore Goal 11 is met.*

12. Transportation

The goal aims to provide a "safe, convenient, and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

Findings for 12: The subject site is served well by Portland's multi-modal public transportation system. The nearest transit service is provided at the intersection of NW Irving Street and 23rd Avenue. TriMet bus #15, which runs along NW 23rd Avenue and provides service to Montgomery Park, downtown Portland, and SE Belmont Street, has both a northbound and southbound stop at this intersection. Additionally, north- and southbound stops for TriMet bus #17 are located on NW 21st Avenue at Irving Street,

providing service to Sauvie Island, downtown Portland, and SE Holgate Boulevard. TriMet bus #77 is also located nearby on NW Lovejoy Street, with an eastbound stop at 22nd Avenue that provides service to NE Portland and the City of Troutdale. The Portland Streetcar stops at NW Lovejoy and 22nd as well, providing eastbound service to Portland State University and the South Waterfront neighborhood. Residents of the subject building do not have to rely on automobiles, thanks to the location of the site and the abundant transit service available to it. *Therefore Goal 12 is met.*

13. **Energy**

Goal 13 declares that “land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

Findings for 13: The subject site’s central location encourages walking and bicycling rather than automobile use. The location of housing in close proximity to the Central City also supports the economy of the urban core and maintains its viability in the region. This conserves energy by keeping economic activity within the existing urbanized area, thus efficiently using the energy embodied in the developed landscape of the urban core. *Therefore Goal 13 is met.*

14. **Urbanization**

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “urban growth boundary” to “identify and separate urbanizable land from rural land.”

Findings for 14: The City of Portland has an established Urban Growth Boundary (UGB). The subject site is not near the UGB. The subject site’s zoning designation is High-density Residential (RH), which is in keeping with the objective of providing an adequate amount of residentially zoned land within the UGB. *Therefore Goal 14 is met.*

15. **Willamette Greenway**

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

16. **Estuarine Resources**

This goal requires local governments to classify Oregon’s 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those “management units.”

17. **Coastal Shorelands**

The goal defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed.

18. **Beaches and Dunes**

Goal 18 sets planning standards for development on various types of dunes.

19. **Ocean Resources**

Goal 19 aims to “conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf.”

Findings for Goals 15, 16, 17, 18, 19: The site is not located at or near the Willamette River, any estuaries, or any coastal or marine habitat or resources. *Therefore Goals 15, 16, 17, 18, and 19 are not applicable.*

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 design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposed stair will not detract from the architectural integrity of the subject building or the Alphabet Historic District. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a new exterior stair at rear façade, per the approved plans, Exhibits C-1 through C-9, signed and dated 09/18/08, 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 through C-9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-106679 HDZ. No field changes allowed."



Decision rendered by: _____ **on September 18, 2008**
By authority of the Director of the Bureau of Development Services

Decision mailed: September 22, 2008

Staff Planner: Kate Marcello

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 February 4, 2008, and was determined to be complete on April 14, 2008.

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 February 4, 2008.

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 waived the 120-day review period, as stated with Exhibit A-2.

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 Monday, October 6, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Recognized neighborhood associations are not subject to the appeal fee. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 **Tuesday, October 7, 2008 (the day following the last day to appeal).**
- 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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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
 1. Applicant's Narrative
 2. Request for Extension of 120-day Review Period
- B. Zoning Map (attached)
- C. Plans and Drawings:
 1. Site Plan (attached)
 2. Plan View of Stair Structure (attached)
 3. North Elevation Drawing (attached)
 4. West Elevation Drawing (attached)
 5. East Elevation Drawing (attached)
 6. Foundation Plan
 7. Framing Plan
 8. Stair Framing Elevation Drawings
 9. Detail Drawings (Beam to Post Connection, Stair Stringer to Beam Connection, Guardrail Detail, Guardrail Elevation, Guardrail Detail at Stair Treads, Stair Post Footing, Stair Stringer Footing)
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety (Building Code) Section of the Bureau of Development Services

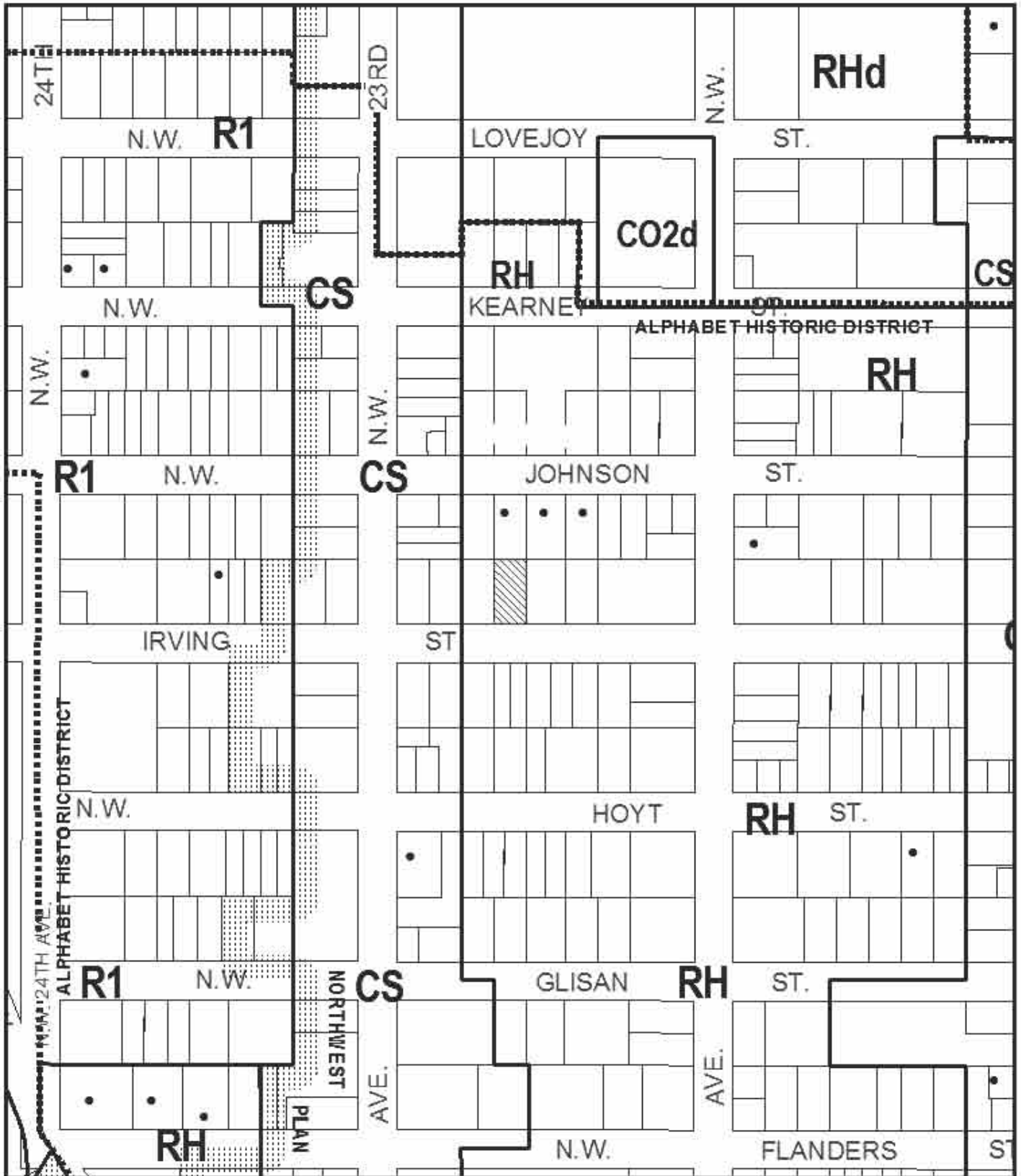
F. Correspondence:

1. Flora Engelmann, 05/06/08, asking for concerns to be addressed
2. Julie Osborne, 05/10/08, asking for clarification
3. Reno Tibke, 05/11/08, expressing concern
4. Reinhart Engelmann, 05/11/08, expressing concern
5. Linda Dodds, 05/11/08, expressing concern
6. Rosalind Keeney, 05/12/08, expressing concern and asking for clarification

G. Other:

1. Original LU Application
2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

-  Site
-  Historic Landmark

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

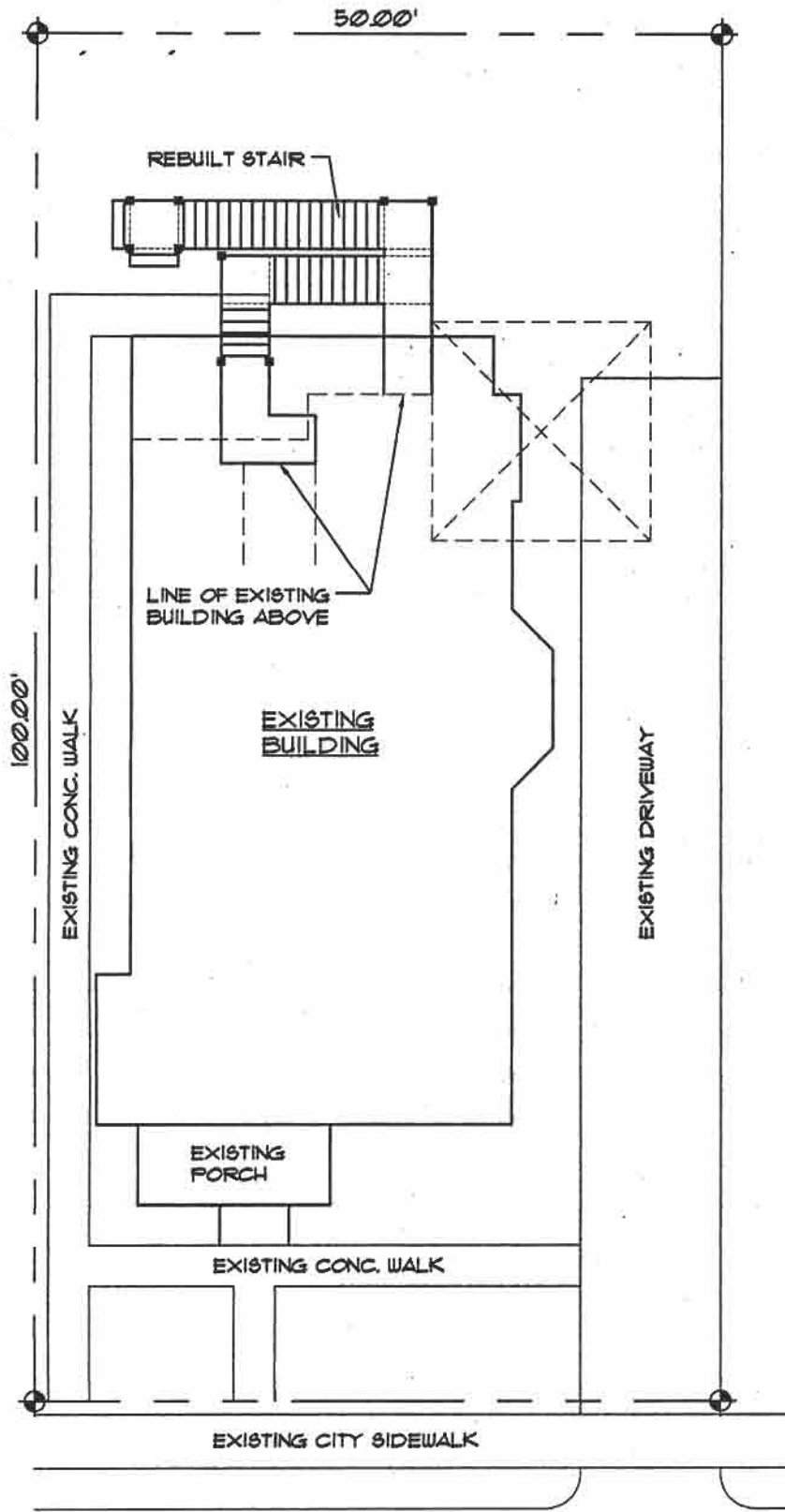


File No.	<u>LU 08-106679 HDZ</u>
1/4 Section	<u>2927</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E33BC 60000</u>
Exhibit	<u>B</u> (Feb 11,2008)

Exhibit C-1

Site Plan

LU 08-106679 HDZ



1

SITE PLAN

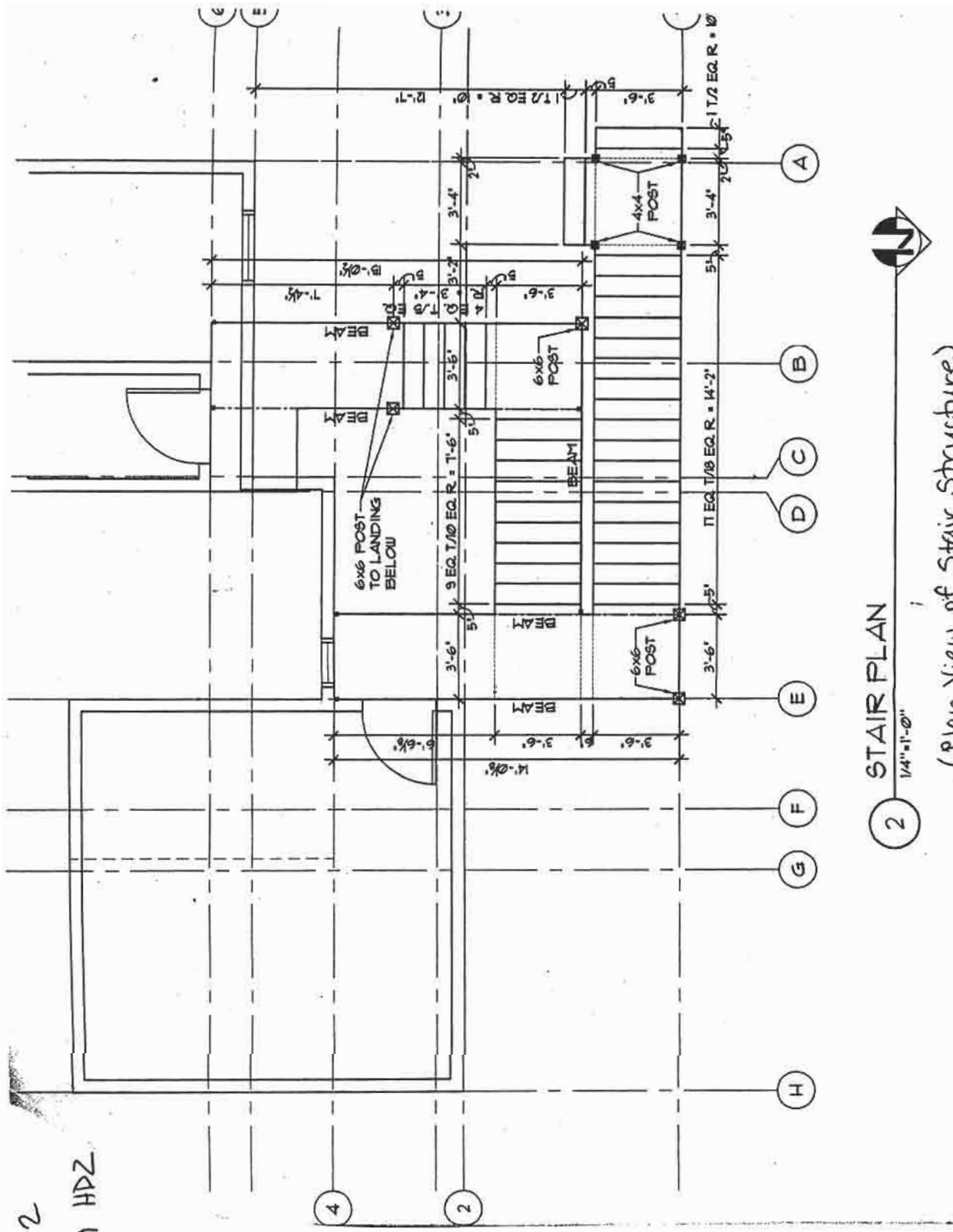
1"=10'-0"



Reduced sheet size.

Approved
 City of Portland - Bureau of Development Services
 Planner Ketnello Date 09-18-08
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Exhibit C-2
 LU 08-106679 HPZ



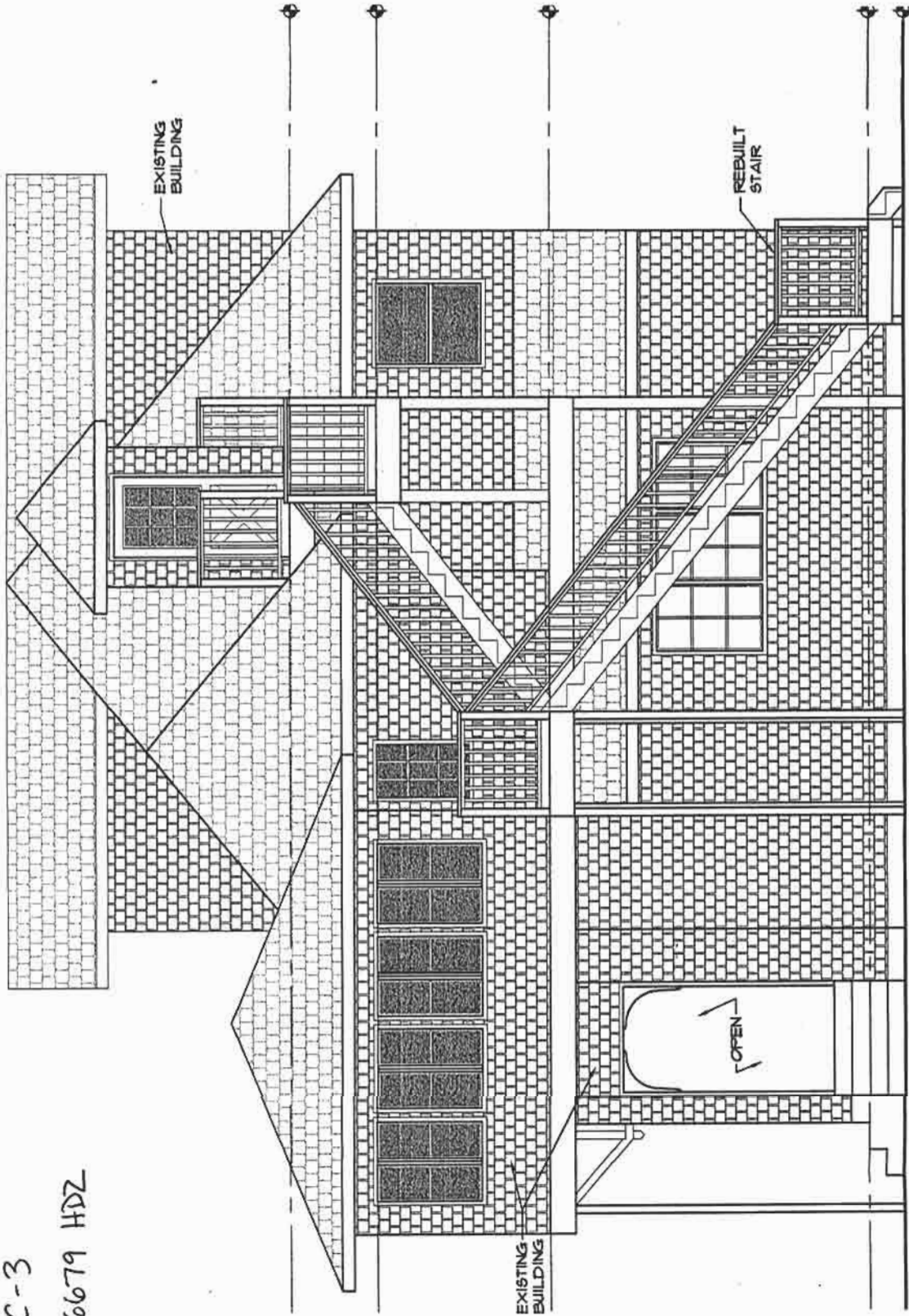
2 STAIR PLAN
 1/4" = 1'-0"

(Plan View of Stair Structure)

Reduced sheet size.

Approved
 City of Portland - Bureau of Development Services
 Planner Katrina Lee Date 09-18-08
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Exhibit C-3
LU 08-106679 HDZ



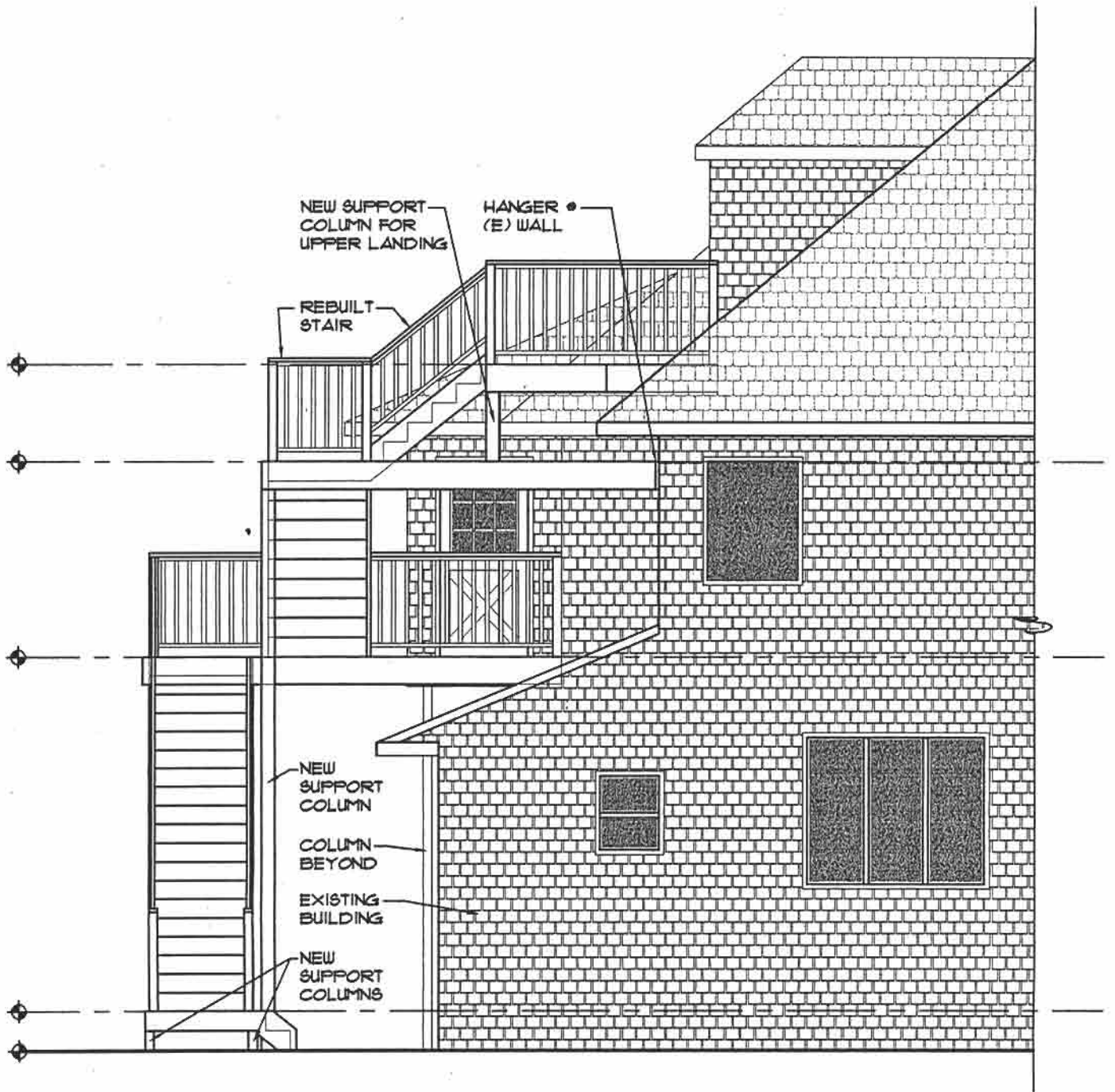
NORTH ELEVATION

5 1/4" x 1'-0"

Reduced Sheet Size.

Approved
City of Portland - Bureau of Development Services
Planner Katelle Date 09-18-08
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

Approved
City of Portland - Bureau of Development Services
Planner Katrina Lee Date 09-18-08
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

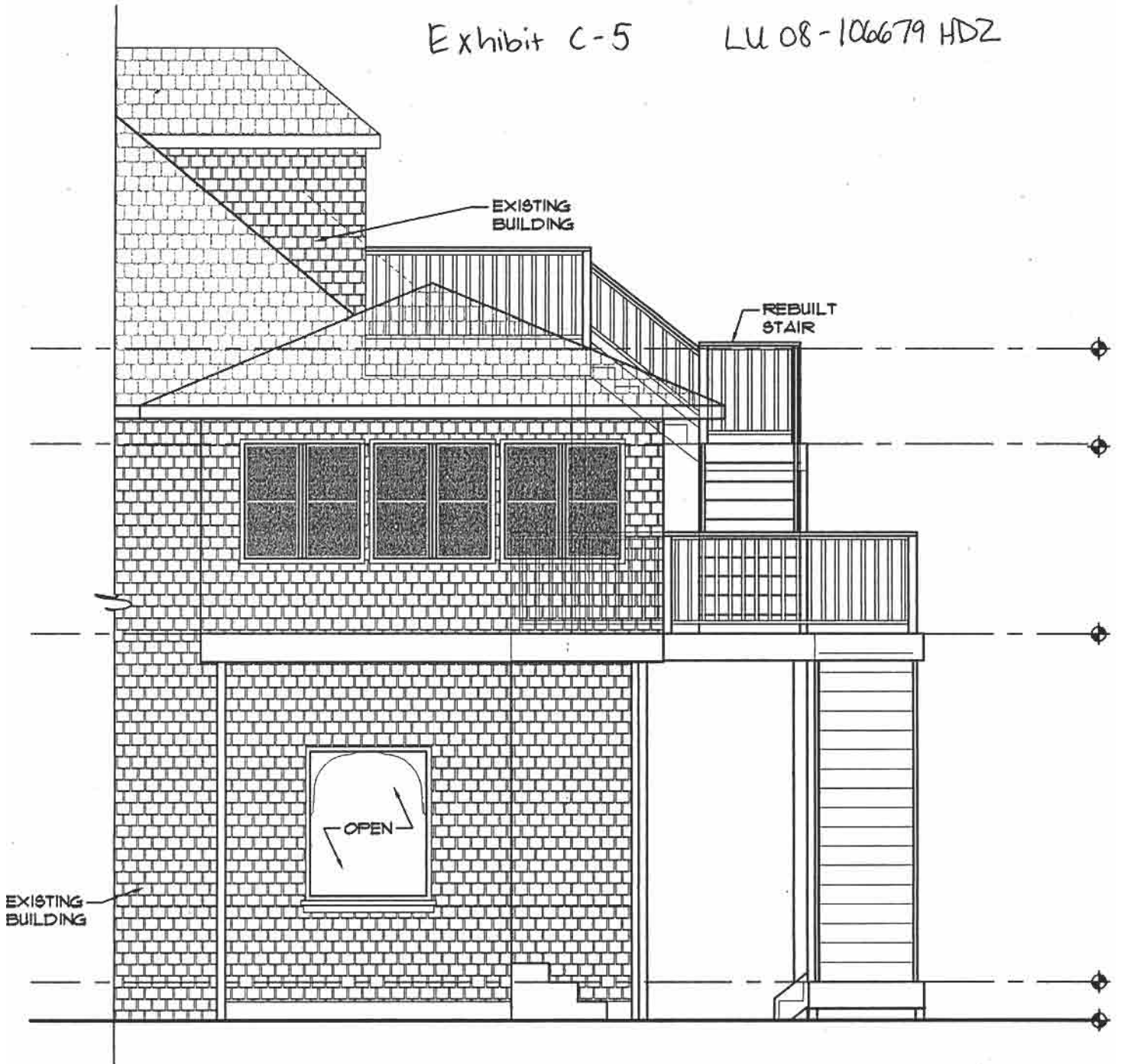


4 WEST ELEVATION
1/4" = 1'-0"

Reduced sheet size.

Exhibit C-5

LU 08-106679 HDZ



3 EAST ELEVATION
1/4" = 1'-0"

Reduced sheet size.

Approved
City of Portland - Bureau of Development Services
Planner *Kathleen* Date *09-18-08*
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.