



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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www.portlandonline.com/bds

Date: July 10, 2009
To: Interested Person
From: Dave Skilton, Land Use Services (503-823-0660)
dave.skilton@ci.portland.or.us

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 09-134671 HDZ – FRENCH DOORS AT REAR DECK

GENERAL INFORMATION

Applicant: E. Paul Sposato III, Owner
808 NW 22nd Avenue
Portland, OR 97210

Representative: Linda Evans, Contractor (503-309-0820)
Square Deal Remodeling Company
8603 SE Stark Street
Portland, OR 97216

Site Address: 808 NW 22nd Avenue

Legal Description: LOT 1 BLOCK 1, JOHNSON STREET TOWNHSES
Tax Account No.: R431400020
State ID No.: 1N1E33BD 11000
Quarter Section: 2927

Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Kay Wolfe at 503-227-0898.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest
Other Designation: Non-contributing resource in the Alphabet Historic District
Zoning: RH, High Density Residential

Case Type: HDZ, Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

Applicant is seeking Historic Design Review approval for a proposal to alter the exterior of a non-contributing resource in the Alphabet Historic District, as follows:

- removal of an existing 8' wide, white, window unit and replacement with a 10' wide, white, wooden, French door unit that includes a pair of in-swinging doors flanked by two side-light windows, and transom lights above; the French door installation will have the same head height as the existing window, and the trim will match the existing; and
- removal of an existing door and closure of the opening with siding to match the existing.

Historic Design Review is required because the proposal is for an exterior alteration and the site is within the Alphabet Historic District, which was listed in the National Register of Historic Places on November 16, 2001.

Relevant Approval Criteria:

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

- 33.846.060 Historic Design Review
- Alphabet Historic District Community Design Guidelines Addendum

ANALYSIS

Site and Vicinity: The site in question is a two-unit, non-contributing, 1991 attached housing development within the boundary of the Alphabet Historic District. The property is non-contributing due to its date of construction falling outside the historic period of significance. Although the townhouses have front facing garages at the ground level, the massing and finishes are generally compatible with the historic district.

The Alphabet Historic District is an area of Portland significant for its concentration of intact late 19th and early 20th Century middle class housing stock and small-scale commercial buildings. Of special note are the many larger scale apartment and institutional buildings. Many of these are in various Period Revival styles, e.g. Tudor, Spanish Colonial, Byzantine, etc. The area is also characterized by narrower tree-lined streets crossed by occasional more robust commercial avenues.

Zoning: The RH zone is a high density multi-dwelling zone. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use is 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.

The Historic Resource Overlay zone protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its 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 there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **June 16, 2009**. The following Bureaus have responded with no issues or concerns:

- Life Safety Review Section of the Bureau of Development Services

- Water Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 16, 2009. 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, 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 located within the Alphabet Historic District and the proposal includes exterior alterations. Therefore the proposal requires Historic Design Review approval. The applicable design guidelines are the Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum [33.846.060 E.1.c]

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.

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 only has addressed those considered applicable to this proposal. Historic Alphabet District Guidelines and Community Design Guidelines are addressed concurrently.

Historic Alphabet District Approval Criteria

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

Findings: The property is ranked as non-contributing in the Alphabet Historic District. By virtue of this fact it cannot, by definition, include features that have acquired historic significance. *This guideline is not applicable.*

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 listed property is the Alphabet Historic District. The proposed minor

change is at the rear of a non-contributing resource, and the impact to the historic character of the district is negligible. *This guideline is therefore 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 proposed French door is compatible with the character of the property because it uses the same materials, is installed in a location with an existing opening, and has the same head height. At least one adjacent property has had a very similar treatment approved. Compatibility with the Alphabet Historic District is achieved by placement of the new door at the rear of the building. *This guideline is therefore 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: As noted above, the proposed French door is compatible with the character of the property because it uses the proportions similar to other openings, uses the same materials, is installed in a location with an existing opening, and has the same head height. *This guideline is therefore 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 proposed treatment is a minor alteration to a non-contributing resource, and it will occur at the rear of the property. As such, the integrity of the listed resource, the Alphabet Historic District will be maintained. The detailing of the new door/window unit will match the existing condition of the house.

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 proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Historic Design Review in the Alphabet Historic District, including:

- removal of an existing 8' wide, white, window unit and replacement with a 10' wide, white, wooden, French door unit that includes a pair of in-swinging doors flanked by two side-light windows, and transom lights above; the French door installation will have the same head height as the existing window, and the trim will match the existing; and
- removal of an existing door and closure of the opening with siding to match the existing.

Approval under the Community Design Guidelines and the Historic Alphabet District - Community Design Guidelines Addendum, per Exhibits C-1 through C-4, signed and dated July 7, 2009, 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-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-134671 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on July 7, 2009**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 10, 2009

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 June 10, 2009, and was determined to be complete on **June 12, 2009**.

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 June 10, 2009.

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.

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 Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on July 24, 2009** 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. 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. 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 Historic 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 Historic 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 **July 27, 2009 – (the first working 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:

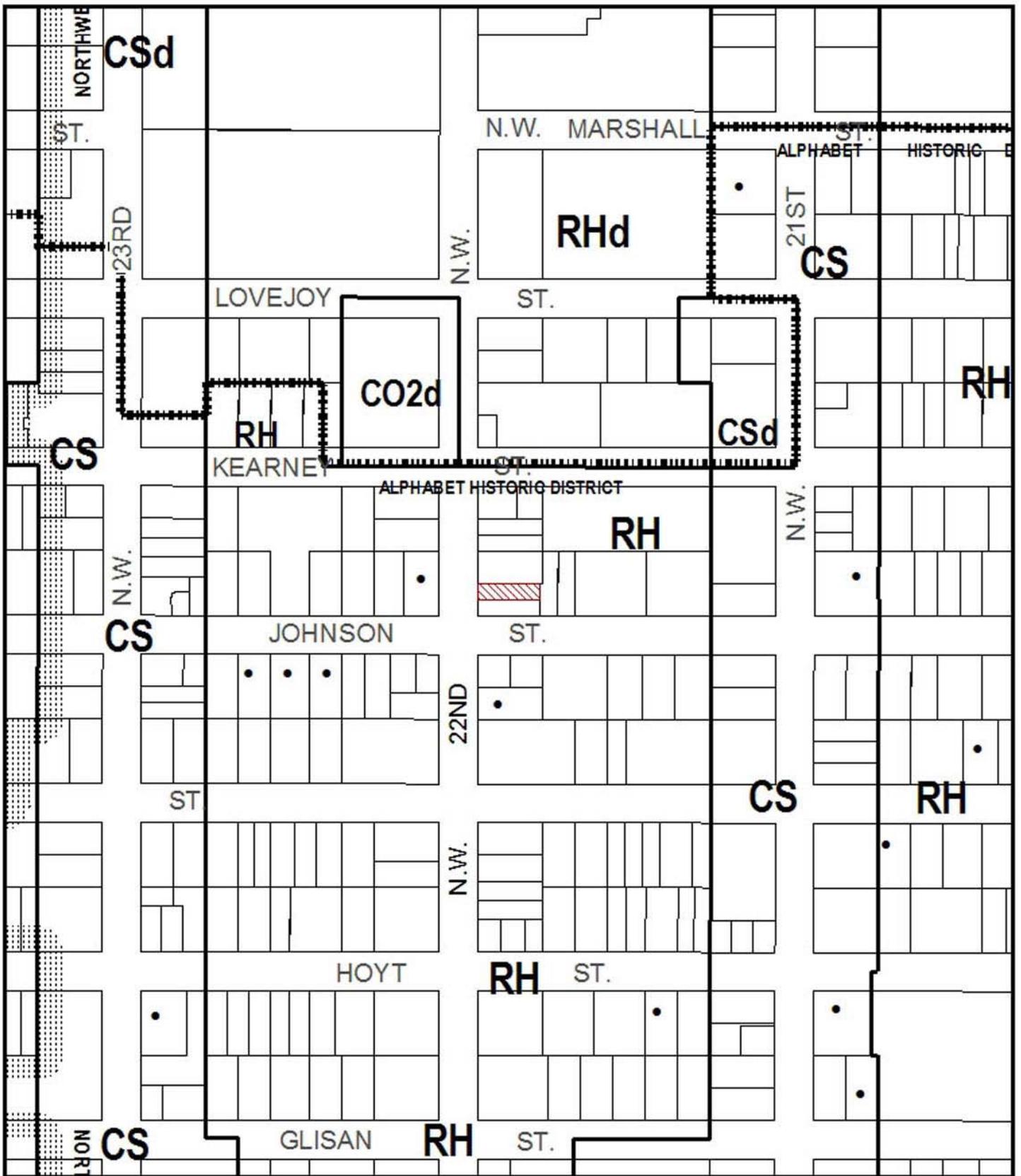
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Main Level Demolition Plan
 - 3. Rear Elevation
 - 4. Door/Window Partial Rear Elevation (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of the Bureau of Development Services
 - 2. Water Bureau
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING

 Site

 Historic Landmark



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

File No. LU 09-134671 HDZ
 1/4 Section 2927
 Scale 1 inch = 200 feet
 State_Id 1N1E33BD 11000
 Exhibit B (Jun 12,2009)

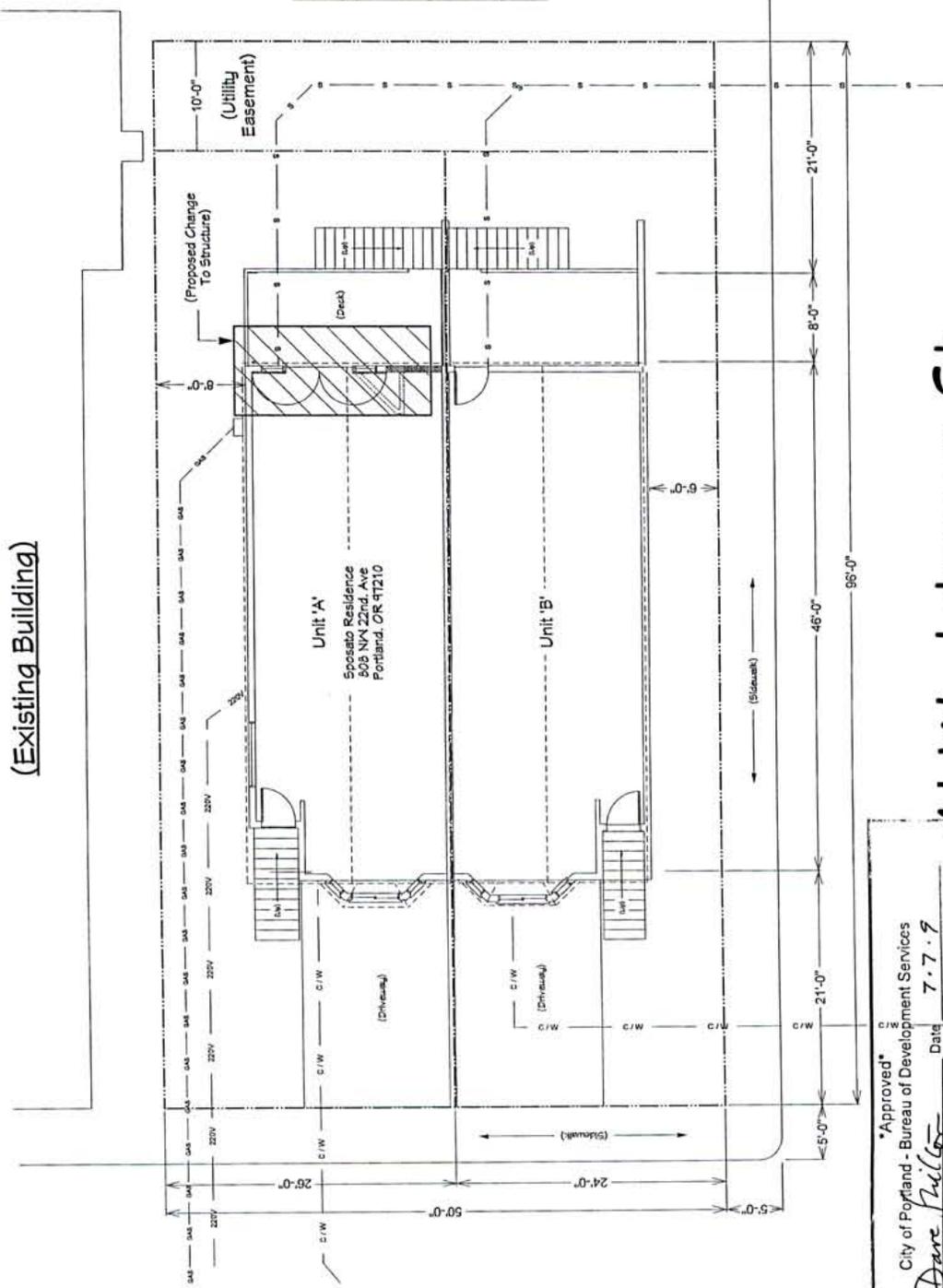
Site Plan

Scale: 1" = 10'

Legal: Johnson Street Townhomes, Lot 1 Block 1
 Zoning: RH
 Tax Account #: R431400020
 State ID: 1N1E99BD 11000
 Site Address: 808 NW 22nd Ave, Portland, OR 97210
 Contractor: Square Deal Remodeling Co.
 Owner: Paul Sposato & Richard Mathin

Legend
 Sewer: S
 Four: 220V
 Water: C/W
 Property Line: ---

Lot Coverage
 Lot Area: 2,498 Sq. Ft.
 Building Area: 900 Sq. Ft.
 Building Height: 35.25 Ft.
 Year Built: 1960



(Existing Building)

N.W. 22nd. Ave

N.W. JOHNSON ST.

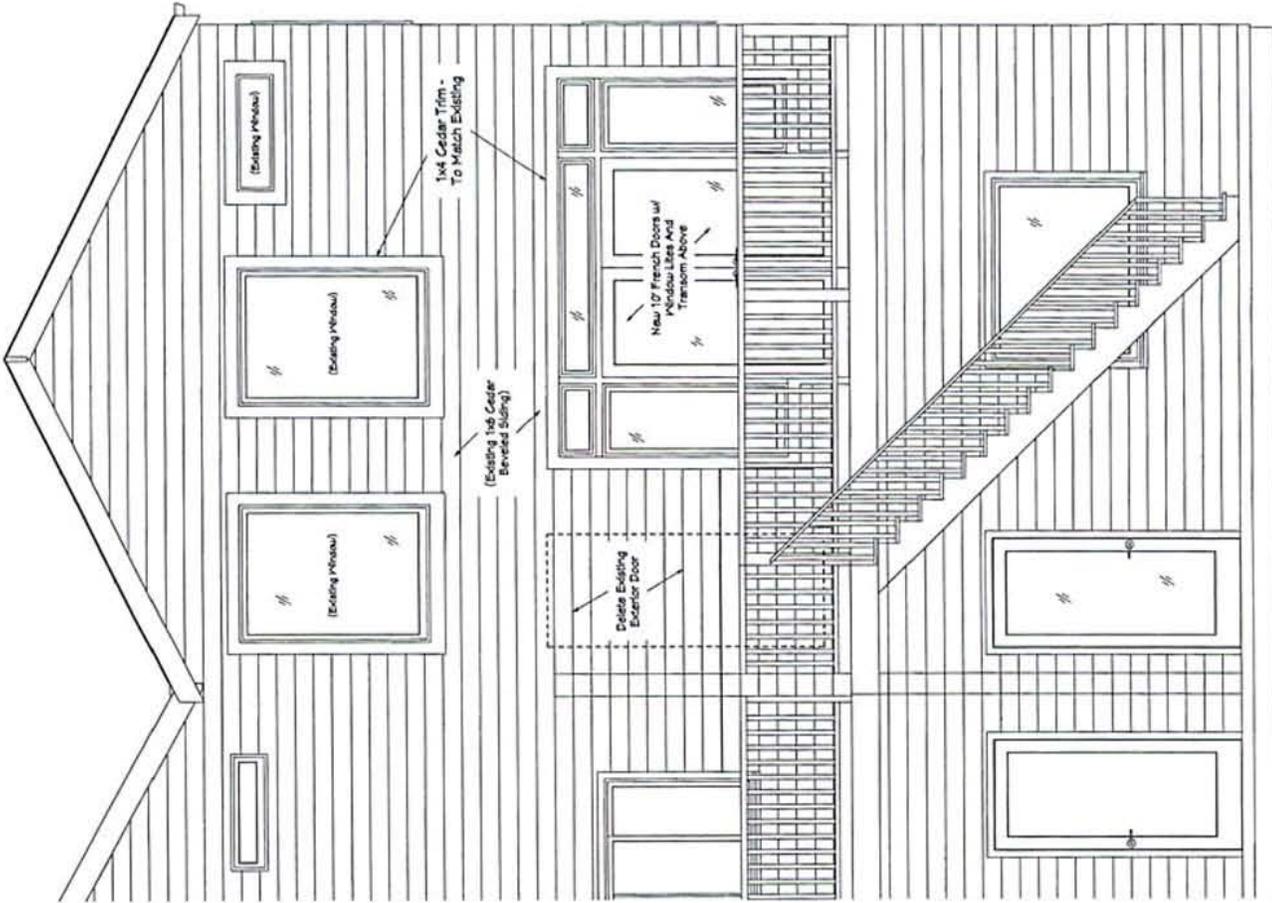
Approved*
 City of Portland - Bureau of Development Services
 Planner: *Dave Feltz* Date: 7.7.9
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

Square Deal Remodeling Co.
 "Affordable Excellence Without Cutting Corners"

Client Name: Sposato
 Address: 808 NW 22nd. Ave
 Date: 6/9/2009

CC# 79188





Sposato Rear Elevation

Scale: 1/4" = 1'

Approved
 City of Portland - Bureau of Development Services
 Planner: *Diana Schultz* Date: 7.7.09
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.