



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
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Date: February 27, 2014
To: Interested Person
From: Jennifer Kenny, Land Use Services
503-823-7011 / Jennifer.Kenny@portlandoregon.gov

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a approved 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 14-106728 HR – WINDOW REPLACEMENT

GENERAL INFORMATION

Applicant/Rep: Chelsie Lee / Jessica Helgerson Interior Design
723 NW 18th Ave. / Portland, OR 97209

Site Address: 2030 SW VISTA AVE

Legal Description: BLOCK 47 LOT 2&3 TL 3200, CARTERS ADD TO P
Tax Account No.: R140401860
State ID No.: 1S1E04CA 03200 **Quarter Section:** 3227
Neighborhood: SW Hills Residential League, contact Nancy Seton at 503-224-3840.
District Coalition: Southwest Neighborhoods Inc., Leonard Gard at 503-823-4592.
Other Designations: Listed in the National Register of Historic Places as the H.B. Nicholas Residence (also known as the Nicholas-Lang Residence)

Zoning: R10, a single dwelling zone
Case Type: Historic Resource Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is seeking Heritage Resource Review approval to replace one existing window with three historic replica windows. Historic Resource Review is required because the property is listed in the National Register of Historic Places.

Relevant Approval Criteria:

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

- 33.846.060.G - Other Approval Criteria

ANALYSIS

Site and Vicinity: This site is located within the Southwest Hills neighborhood. The site has frontage on S.W. Vista Avenue and S.W. Clifton Street. The subject property was listed in the National Register of Historic Places in 1979, and is known as the Nicholas-Lange

Residence as well as the H.B. Nicholas Residence. It was built in 1885 in the Queen Anne Revival style.

Zoning: The R10 zone is a single-dwelling zone, intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

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 on **February 6, 2014**. None of the notified Bureaus has responded with issues or concerns.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 6, 2014**. 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 Resource Review

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

Requests for Historic Resource 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 listed in the National Register of Historic Places and the proposal is for non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

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

The approval criteria are:

1. Historic character. The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided;

2. Record of its time. The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided;

7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old;

8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource;

Findings for 1, 2, 7 and 8: The proposed alteration is for an enlargement of an existing opening on a secondary elevation, and screened from view, therefore the historic character of the overall structure will be retained and preserved. The replacement windows will incorporate compatible materials but are not an accurate replica. Thus, they will be differentiated from the original windows by their design

and will not create a false sense of historic development. *These guidelines are therefore met.*

10. 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.

Findings: The proposed alteration will be sited at an existing opening, on a secondary elevation, and does not compromise the character-defining features of the rest of the house. In terms of compatibility with the neighboring properties, the subject resource will retain its original setbacks, height, massing, materials, site coverage, and orientation to the street. Thus, there is no change to the existing compatibility with adjacent properties. The house is not in a historic district. *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

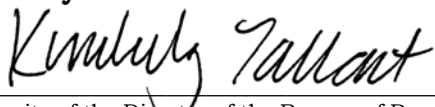
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of three new windows for the historic H.B. Nicholas Residence, listed in the National Register of Historic Places, per the approved site plans, Exhibits C-1 through C-3, signed and 2/20/14, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-106728 HR."

Staff Planner: Jennifer Kenny

Decision rendered by:  **on February 20, 2014.**

By authority of the Director of the Bureau of Development Services

Decision mailed February 27, 2014

Procedural Information. The application for this land use review was submitted on January 17, 2014, and was determined to be complete on January 31, 2014.

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 January 17, 2014.

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. Unless further extended by the applicant, **the 120 days will expire on: June 26, 2014.**

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. **The final decision may be recorded on or after February 28, 2014.** 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:

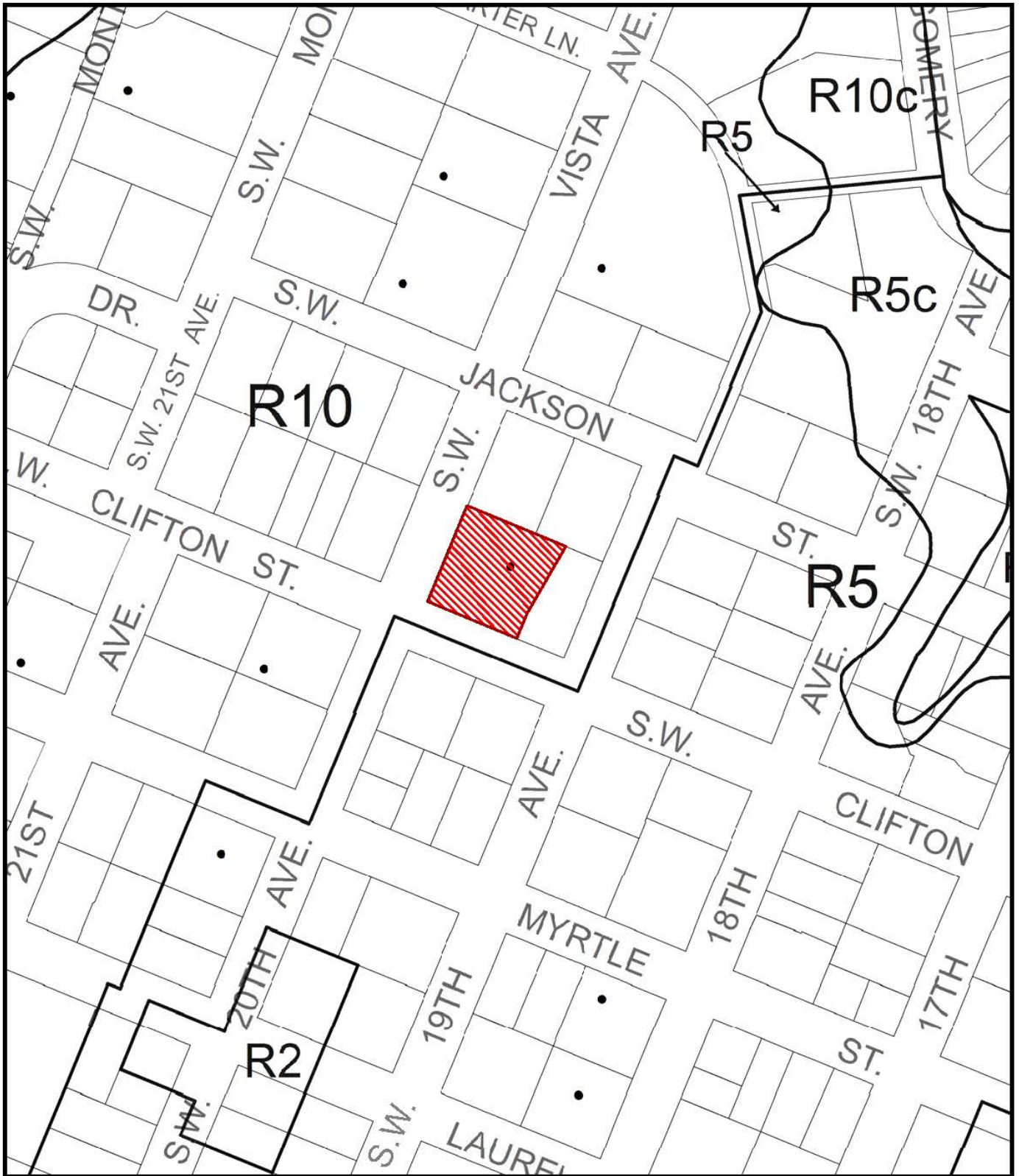
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevation (attached)
 - 3. Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No responses were received.
- G. Other:
 - 1. Original LU Application

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: Nicholas-Land Residence



Historic Landmark



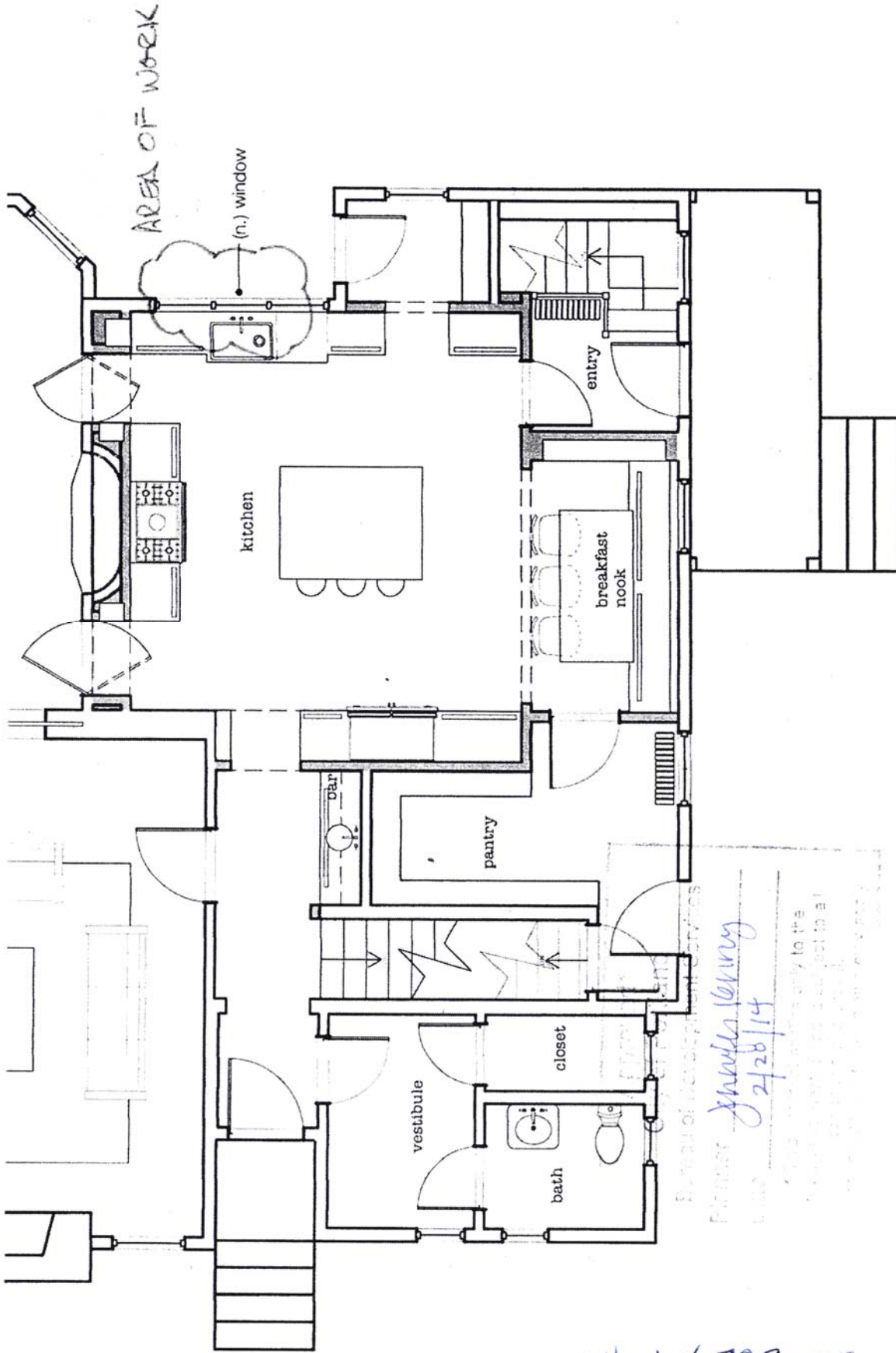
File No. LU 14-106728 HR

1/4 Section 3127,3227

Scale 1 inch = 150 feet

State_Id 1S1E04CA 3200

Exhibit B (Jan 17,2014)



LU14-106728 HR
EXHIBIT C-2

Jessica Helgerson Interior Design
723 Northwest 18th Ave
Portland, Oregon 97209
t 503.548.4984
f 503.467.4830
www.jhinteriordesign.com

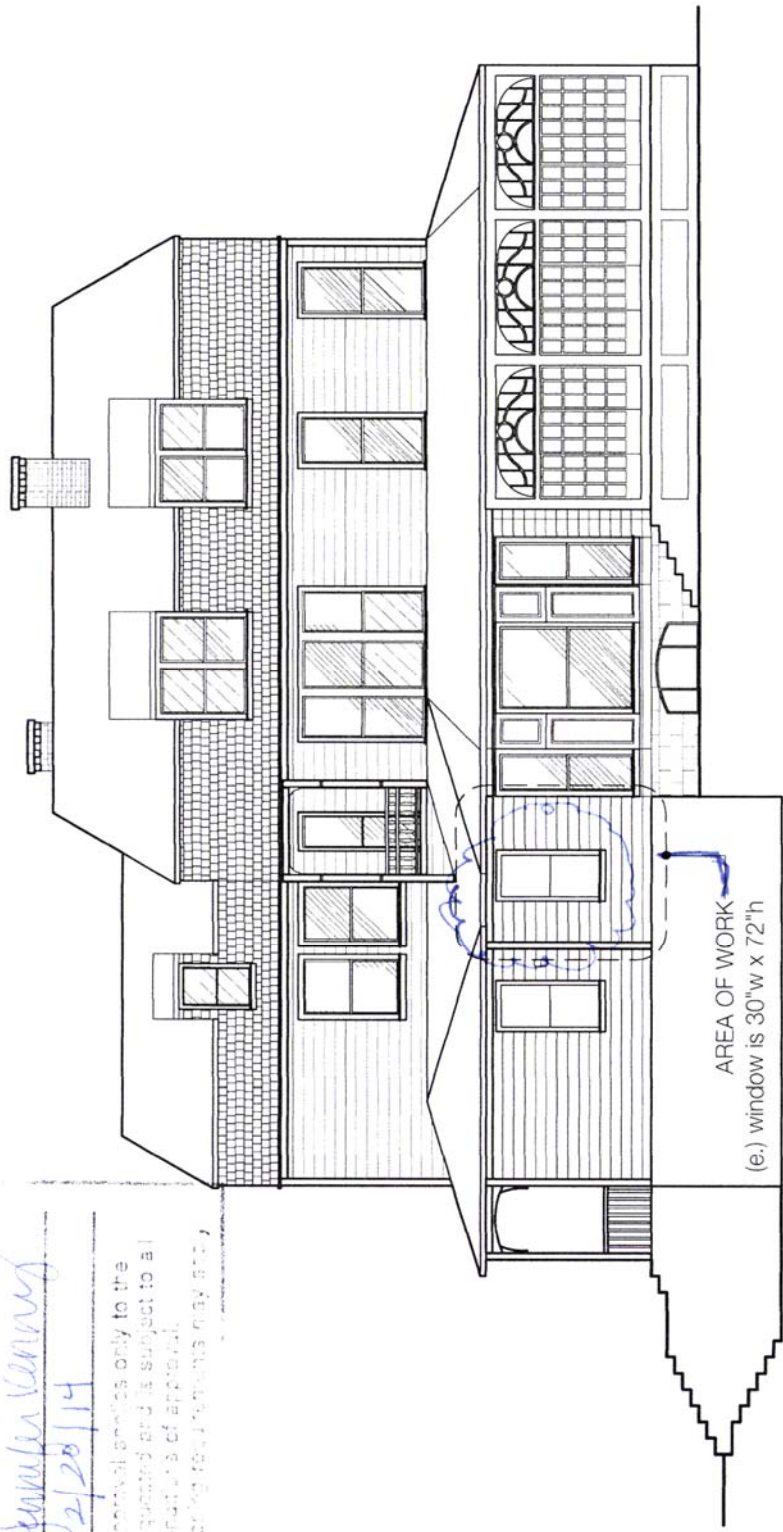
Cost Residence
2030 SW Vista Ave
Portland, Oregon

proposed plan
3/16" = 1'0"

2.1

Approved
 City of Portland
 Bureau of Development Services
 Planner *Jennifer Kanning*
 Date *02/20/14*

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



LM14-106728 HR

EXHIBIT C-2

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Cost Residence
 2030 SW Vista Ave
 Portland, Oregon

(e.) exterior elevation
 3/32" = 1'0"

3.0a