



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: April 8, 2014
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@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 14-115136 HR - REAR YARD DECK

GENERAL INFORMATION

Applicant: Robert Hayden/ Delta Studios, Architecture & Planning LLC
3344 NE 25th Avenue / Portland, OR 97212 (503) 680-1087

Owner: Sarah Miscoe/ 2176 NW Everett Street #3 / Portland, OR 97210-3700

Site Address: 2176 NW Everett Street

Legal Description: LOT 3, EVERETT HOUSE CONDOMINIUM
Tax Account No.: R261400150
State ID No.: 1N1E33CA 60003
Quarter Section: 3027
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
Other Designations: Non-contributing resource in the Alphabet Historic District, which was listed in the National Register of Historic Places on August 24, 2000.

Zoning: RH, High Density Residential, with Historic Resource Overlay
Case Type: HR, 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 Historic Resource Review approval for a proposal to construct a new deck, 87 square feet in footprint, attached to the rear of the house. Historic Resource Review is required because the proposal is for an exterior alteration in a historic district.

Approval Criteria:

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

- Community Design Guidelines
- Alphabet Historic District Addendum to the Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject property, identified as the Michael O'Hern residence in the National Register nomination form for the Alphabet Historic District, is a two-and-a-half story vernacular Queen Anne Style house, built in 1895. Although dating to within the period of significance, the house is evaluated as non-contributing to the character of the historic district due to porch and balcony enclosures and added windows.

The Alphabet Historic District is an area of Portland significant for its concentration of intact late 19th and early 20th Century, mostly middle class, housing stock and small-scale commercial buildings. Of special note are the many mid-sized apartment and institutional buildings. Many of these are in the various Period Revival styles, e.g. Tudor, Spanish Colonial, Byzantine, Jacobean, etc, and this is especially the case in the immediate vicinity of the proposed new development. Also specific to this location are three, individually designated, historic landmark properties that represent the earliest phase of development within the district, when NW 19th Avenue was the favored address for a number of Portland's wealthiest families.

The area is characterized by a grid of narrower, more tree-lined, east-west residential streets, named alphabetically after prominent Portlanders of the day, which are crossed by generally more robust north-south avenues. Two of these, NW 21st Avenue and NW 23rd Avenue are low-scale business corridors featuring a mix of purpose-built commercial structures and converted houses. NW 19th Avenue is similar in physical character except that institutional uses are more common than commercial ones. It forms the southbound half of a busy traffic couplet with NW 18th as the northbound partner. West of NW 19th the length of the east-west block faces more than doubles, from 200' to approximately 460'.

Zoning: The multi-dwelling zones, including RH, are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. 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 Protection chapter 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 no prior land use review:

Public Notice: A Notice of Proposal in Your Neighborhood was mailed on March 18, 2014.

Agency Review: None of the notified Bureaus has responded with issues or concerns.

Neighborhood Review: No written responses were 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 located within the Alphabet Historic District and the proposal is for a non-exempt treatment. Therefore Historic Resource 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.
- 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 1, 2, and 3: The existing deck, in poor condition and damaged by fire, is not significant historic fabric, probably dating to the 1978 conversion of the house to three condominium units. It is not a change that has gained historic significance in its own right. Like its predecessor, the proposed new, slightly larger, deck will clearly not be mistakable for a historic feature. It will be compatible with the house, its neighboring properties, and the Alphabet Historic District in general by virtue of its inconspicuousness from the public point of view. *These guidelines are met.*

Community Design Guidelines

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.

Findings: As noted in the findings above, the deck will be compatible with the house, its neighboring properties, and the Alphabet Historic District in general by virtue of its inconspicuousness from the public point of view. *This guidelines 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 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.

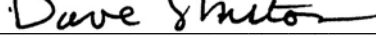
ADMINISTRATIVE DECISION

Approval of a replacement rear yard deck on a non-contributing resource in the Alphabet Historic District;

Approval is per Exhibits C-1 through C-4, signed and dated April 2, 2014, subject to the following condition:

- 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 14-115136 HR."

Staff Planner: Dave Skilton

Decision rendered by:  **on April 2, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 8, 2014

Procedural Information. The application for this land use review was submitted on March 5, 2014, and was determined to be complete on March 14, 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 March 5, 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. 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.

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 **April 9, 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:

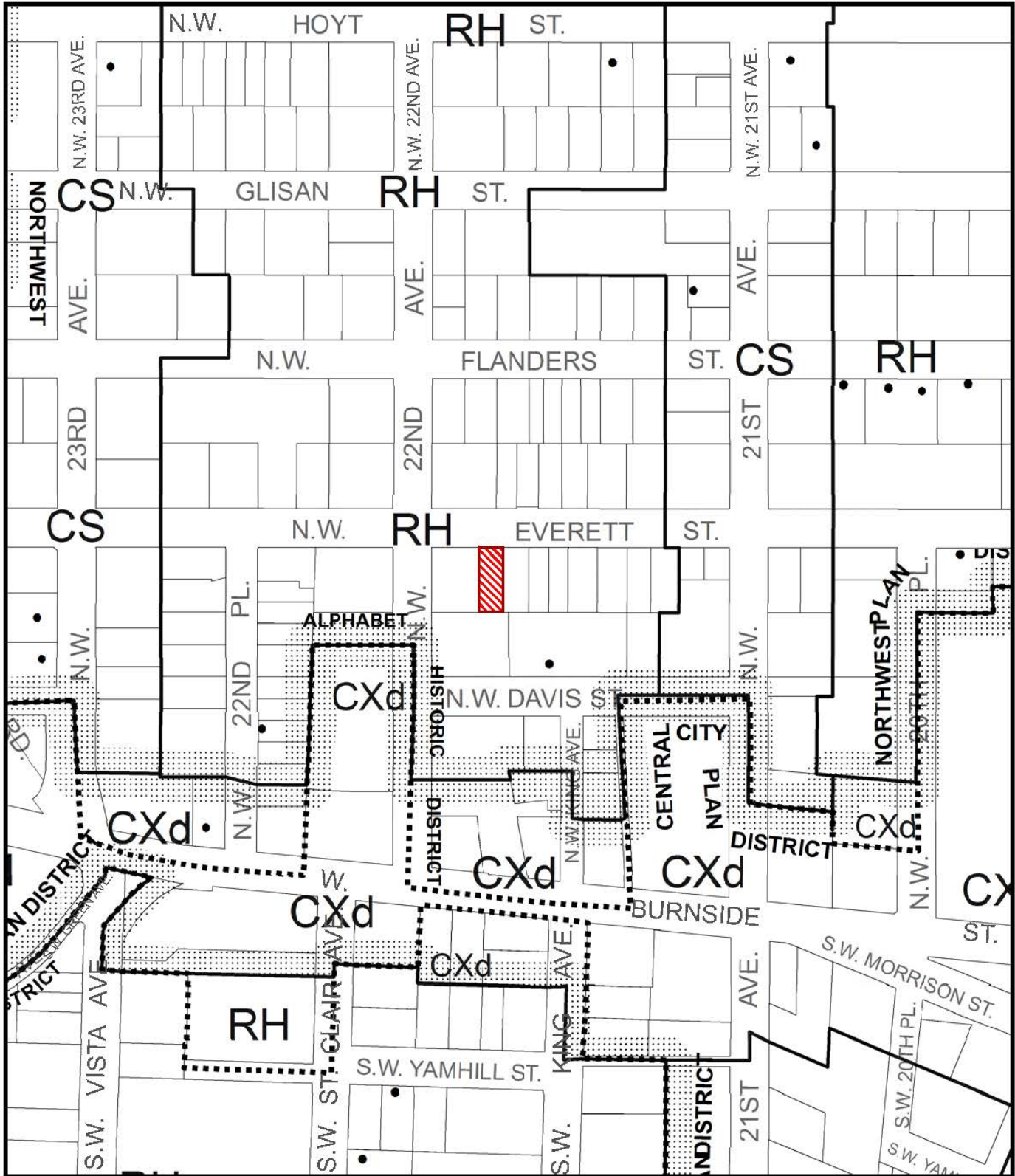
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing and Proposed Deck Plans
 - 3. Existing Deck Elevations
 - 4. Proposed Deck Elevations (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- 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



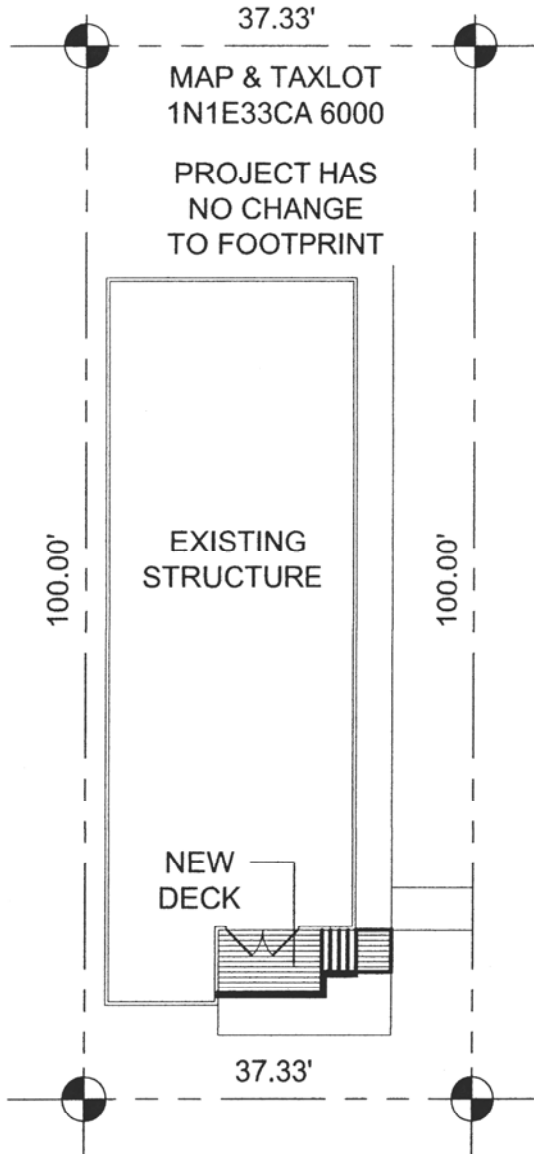
NORTH

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

File No. LU 14-115136 HR
 1/4 Section 3027
 Scale 1 inch = 200 feet
 State_Id 1N1E33CA 60000
 Exhibit B (Mar 06,2014)

NW EVERETT STREET

2176 NW EVERETT STREET
PORTLAND, OR 97210



PROJECT DESCRIPTION:

PROVIDE A NEW PRESCRIPTIVE PATH DECK TO REPLACE AN EXISTING REMOVED DECK, CONNECTED TO THE EXISTING STRUCTURE.

GENERAL NOTES:

- VERIFY ALL DIMENSIONS AND CONDITIONS, CONTACT DESIGNER IF THEY VARY FROM THESE DRAWINGS.

- ALL FRAMING MEMBERS TO BE DOUGLAS FIR-LARCH #2 U.N.O.

- FRAMING CONNECTORS SHALL HAVE ALL THE NAIL HOLES FILLED AS SPECIFIED BY THE MANUFACTURER, U.N.O.

- WATERPROOFING AND FINISHES BY OTHERS.

DRAWINGS:

- A0 - TITLE SHEET
- A1 - DECK PLANS
- A2 - DECK FRAMING PLANS
- A3 - DECK SECTION
- A4 - DECK DETAILS

Approved

City of Portland - Bureau of Development Services

Planner *Dore Pultor* Date *4.2.14*

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

1
A0

SITE PLAN

SCALE: 1/16" = 1'-0"



C-1

PDS

**DESIGN
DRAFTING
CONSULTING**

PDS# 13233
A0

COVER SHEET
DATE: 10-07-2013

DECK ADDITION
2176 NW EVERETT, PORTLAND, OR 97210

2850 SW CEDAR HILLS BLVD. SUITE 106
BEAVERTON, OREGON 97005-1354
CONTACT: CHRISTOPHER NESTLERODE
PHONE: 503-341-6801 EM. CNDESIGNS@COMCAST.NET

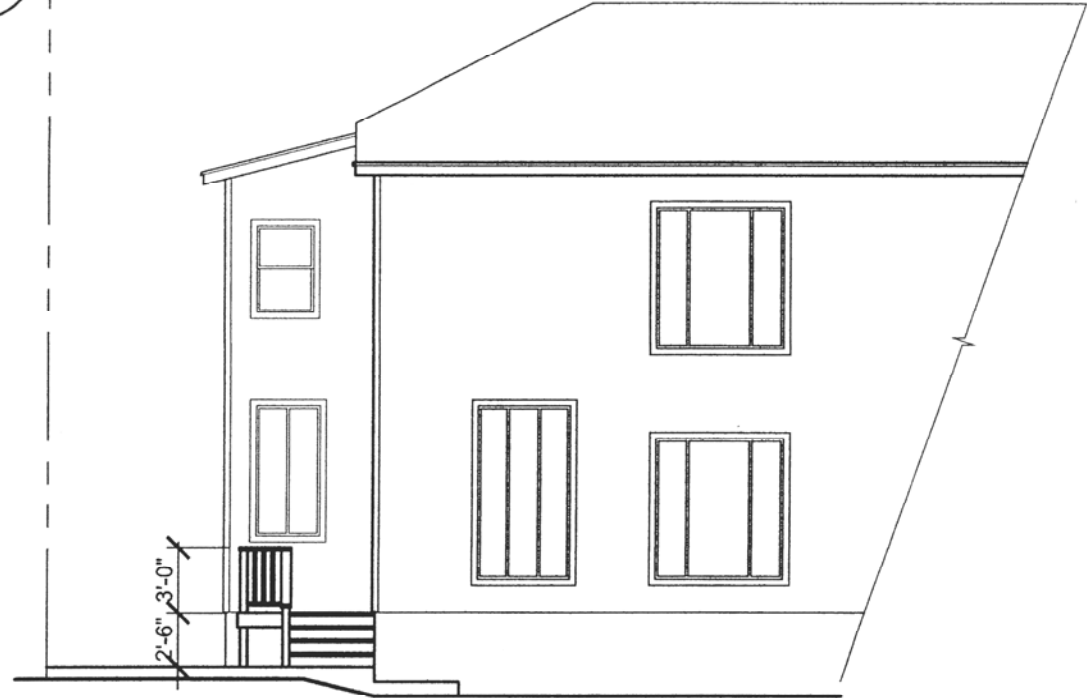
LV14-115136HR



1
A7

NEW DECK SOUTH ELEVATION

SCALE: 1/8"=1'-0"



2
A7

NEW DECK EAST ELEVATION

SCALE: 1/8"=1'-0"

Approved
 City of Portland - Bureau of Development Services
 Planner Dave J. Hilt Date 4.2.14
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

C-4

PDS DESIGN DRAFTING CONSULTING

PDS# 13233
A7

DECK ELEVATIONS
DATE: 12-10-2013

DECK ADDITION
2176 NW EVERETT, PORTLAND, OR 97210

2850 SW CEDAR HILLS BLVD, SUITE 106
BEAVERTON, OREGON 97005-1354
CONTACT: CHRISTOPHER NESTLERODE
PHONE: 503-341-6801 EM. CNDESIGNS@COMCAST.NET

LV14-115136HL