



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** August 12, 2014  
**To:** Interested Person  
**From:** Kara Fioravanti, Land Use Services  
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## **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 14-160897 HR – EXISTING WINDOW ALTERATION: WEST SIDE OF BLDG.**

#### **GENERAL INFORMATION**

**Applicant:** David Kabat  
2233 NE 11th Avenue | Portland, OR 97212-4031

**Representative:** Virginia Greene  
2233 NE 11th Avenue | Portland, OR 97212

**Site Address:** 2335-2337 NW JOHNSON STREET  
**Legal Description:** BLOCK 3 LOT 8, KINGS 2ND ADD  
**Tax Account No.:** R452300490  
**State ID No.:** 1N1E33BC 08900  
**Quarter Section:** 2927  
**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.  
**Business District:** Nob Hill, contact Mike Conklin at 503-226-6126.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Designations:** Alphabet Historic District  
**Zoning:** R1, Residential 1000  
**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 seeks Historic Resource Review approval to move an existing window so that the window header is aligned with the adjacent windows. The window to be moved is a square window on the west elevation of the existing house, and is proposed to be raised several inches above its existing location.

#### **Relevant Approval Criteria:**

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

- Community Design Guidelines
- Alphabet Historic District Design Guidelines Addendum

## ANALYSIS

**Site and Vicinity:** The site is located on the block bounded by NW Johnson Street, 23<sup>rd</sup> Avenue, Kearney Street, and 24<sup>th</sup> Avenue in the Alphabet Historic District. The subject building, whose historic name is the W.G. Furnell House, was constructed in 1898. The building is classified as a Primary Contributing structure in the Historic District. The building, originally constructed as a single-family home, was converted into a duplex at some point during the latter half of the 20<sup>th</sup> century. The building has two and a half stories in a rectilinear plan. It is a wood-frame structure with a concrete foundation. The gabled roof has flared eaves, modillions, and metal coping. The original wood siding has been covered by asbestos shingle siding. The main entrances to the two apartments are located on the south façade facing NW Johnson Street. Each entrance has a multi-light wood door. The doors are reached via a concrete stoop with an iron railing. On the west façade, there is a secondary covered entrance for one of the apartments at the ground floor, and at the second floor there is a covered balcony. The hipped dormer on the street-facing façade has a pair of multi-light windows. The building has undergone significant alterations over the years, including the aforementioned conversion to a duplex and addition of asbestos shingle siding, as well as the replacement of original wood windows with vinyl and/or aluminum windows and the replacement of the original covered front porch with a concrete stoop. The removal of the front porch occurred in 1953. The building is classified as a Primary Contributing structure in the Alphabet Historic District because it is considered to be a “fair example of a Craftsman-style residence.” Also according to the National Register nomination file for the District, the building “would be a better example if the front porch were restored to the original configuration and the asbestos shingles were replaced with historically appropriate siding.”

The oldest building on the block was constructed in 1885, and the newest building was constructed in 1927. There is one building on the block that is individually listed as a landmark on the National Register of Historic Places. It is Portland Fire Station #17, built in 1912, located on the NW 24<sup>th</sup> Avenue side of the block. With the exception of two one-story commercial buildings and one mixed-use commercial-residential structure – all on the NW 23<sup>rd</sup> Avenue side of the block – the block is solidly residential. Most buildings are single-family homes, but there are also a few multi-family structures.

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

### **Zoning:**

The Residential 1,000 (R1) is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouse, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R1 zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and 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 that prior land use reviews include the following:

- LU 95-012411 AD (reference file # LUR 95-00518 AD): Approval for an Adjustment to allow increased paving in the front yard from the allowed 20% to 28%, subject to the conditions that the driveway be paved with bricks and vehicles not be parked within the first ten feet of the property line.
- LU 08-149811 HDZ: Approval for a new porch roof, posts, and railing on the front (south facing) façade.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **July 17, 2014**. No Bureaus have responded with issues or concerns about the proposal.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **July 17, 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

### Title 33.846, Historic Reviews

#### **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**

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.

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

**Findings:** The proposal does not affect any changes that have acquired historic significance. In fact, no changes made to the W.G. Furnell House have acquired 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.

**Findings:** The proposal seeks to move a single (approx. 24 inch by 24 inch) window approx. a foot up from its current location so that the window header is aligned with

the adjacent windows. The existing window will be reused and siding and trim will be to match. *Therefore this criterion is met.*

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

**Findings:** The proposed alteration will retain historic materials on the building and will not adversely affect the building, site or District. *Therefore this criterion is met.*

### **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.

**E3. The Sidewalk Level of Buildings.** Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building features, creating effective gathering places, and differentiating street level facades.

**Findings:** The proposed alteration is to the second story of the building, on the west side, it will not impact the visual interest to the building from the sidewalk for pedestrians. *Therefore this criterion is met.*

**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:** This proposal respects the original character of the building in its exterior alteration. The window to be moved will be reused and replacement siding and trim will be consistent and match existing. *Therefore this criterion is met.*

**D8. Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

**Findings:** The alteration appears to be a step to organizing some of the windows on the west side of the building. Through raising the proposed window, it, along with the adjacent windows to either side, will share in alignment a common header. *Therefore this criterion 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 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 alterations employ existing architectural materials on the building and so compatible with the Craftsman style of the W.G. Furnell House. The proposal meets the applicable design guidelines and therefore warrants approval.


### **ADMINISTRATIVE DECISION**

Approval of a window alteration regarding raising the height of an existing (approx. 24" x 24") window on the west side of the building to be inline with window header height of adjacent windows.

Approval per approved site plans, Exhibits C-1 through C-5, signed and dated August 7, 2014, 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.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-160897 HR ."

**Staff Planner: Kara Fioravanti**

**Decision rendered by:**  **on (August 7 2014.)**  
By authority of the Director of the Bureau of Development Services

**Decision mailed. August 12, 2014**

**Procedural Information.** The application for this land use review was submitted on May 23, 2014, and was determined to be complete on June 15, 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 May 23, 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. Unless further extended by the applicant, **the 120 days will expire on: 10.12.2014.**

**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](http://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 **August 12, 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:

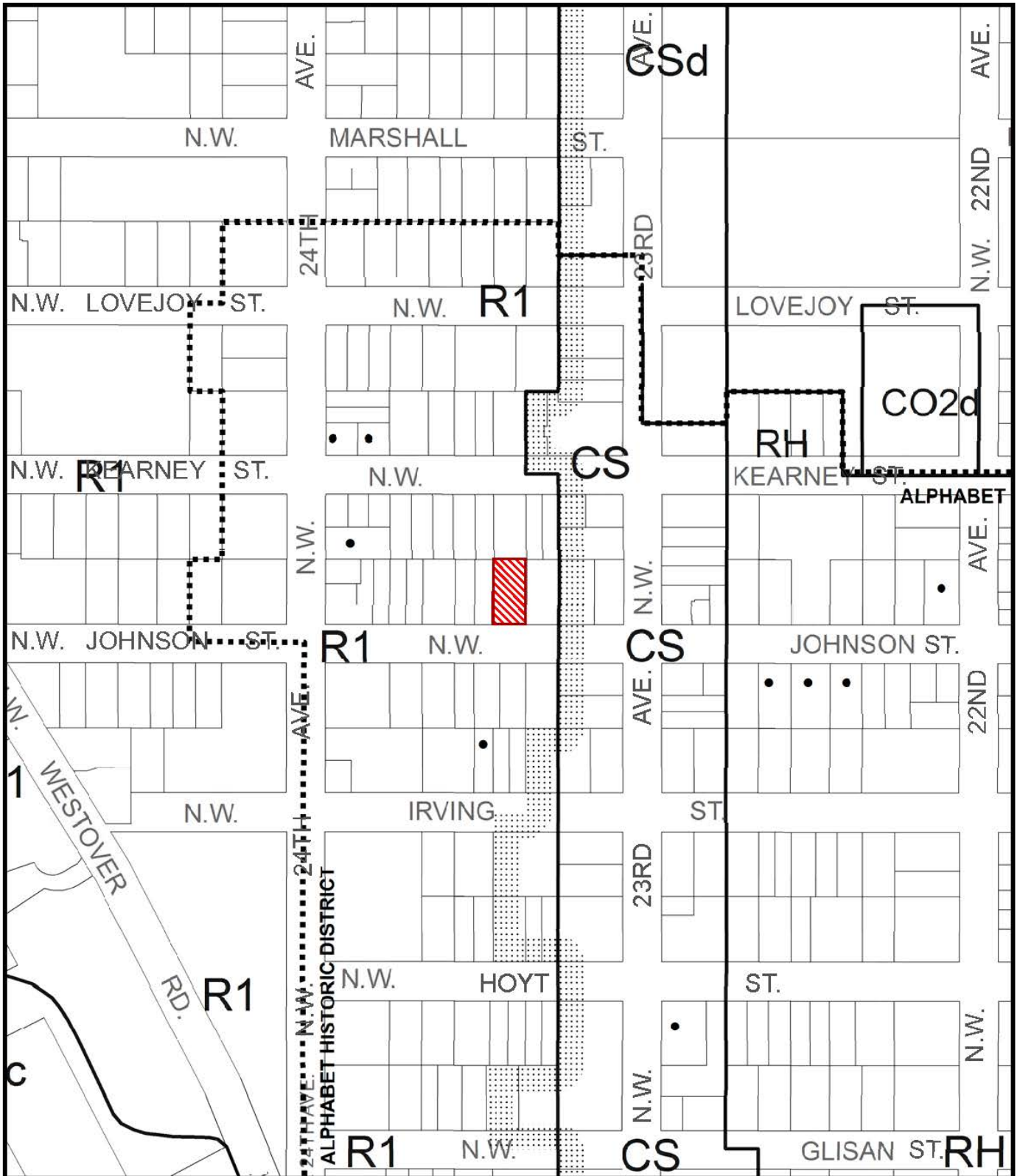
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  - 1. Approval Criteria
  - 2. Description of Project
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. West Elevation (attached)
  - 3. South Elevation
  - 4. North Elevation
  - 5. East Elevation
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: None Received
- F. Correspondence: None Received.
- G. Other:
  - 1. Original LU Application
  - 2. Staff Incomplete letter: dated June 5, 2014
  - 3. Applicant photographs (7- 4"x6")

**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**

File No. LU 14-160897 HR  
 1/4 Section 2927  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E33BC 8900  
 Exhibit B (May 28, 2014)

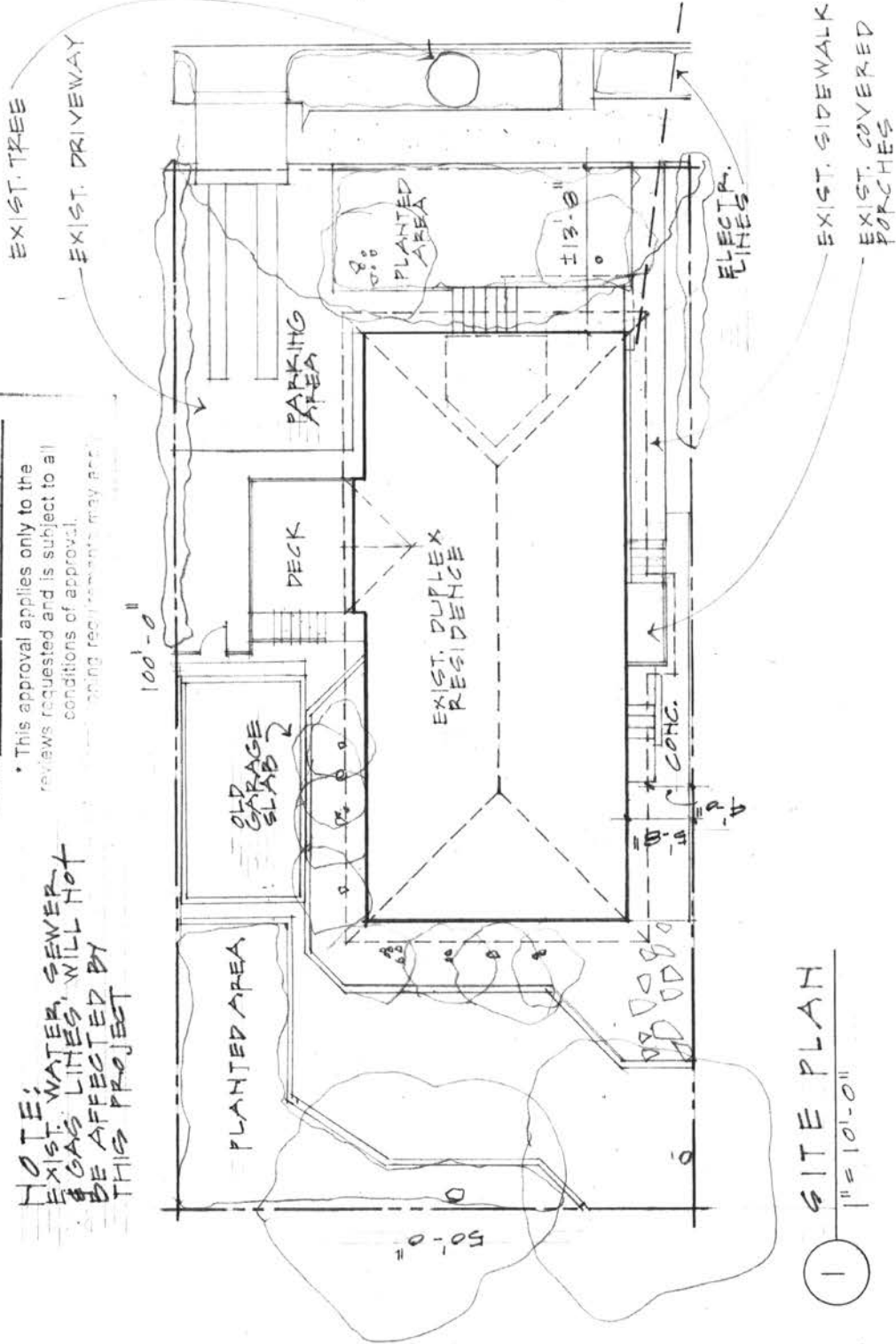


2335/2337 HW. JOHNSON  
 PORTLAND, OR 97210



5.21.14

JOHNSON STREET



**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner \_\_\_\_\_  
 Date 8-7-14

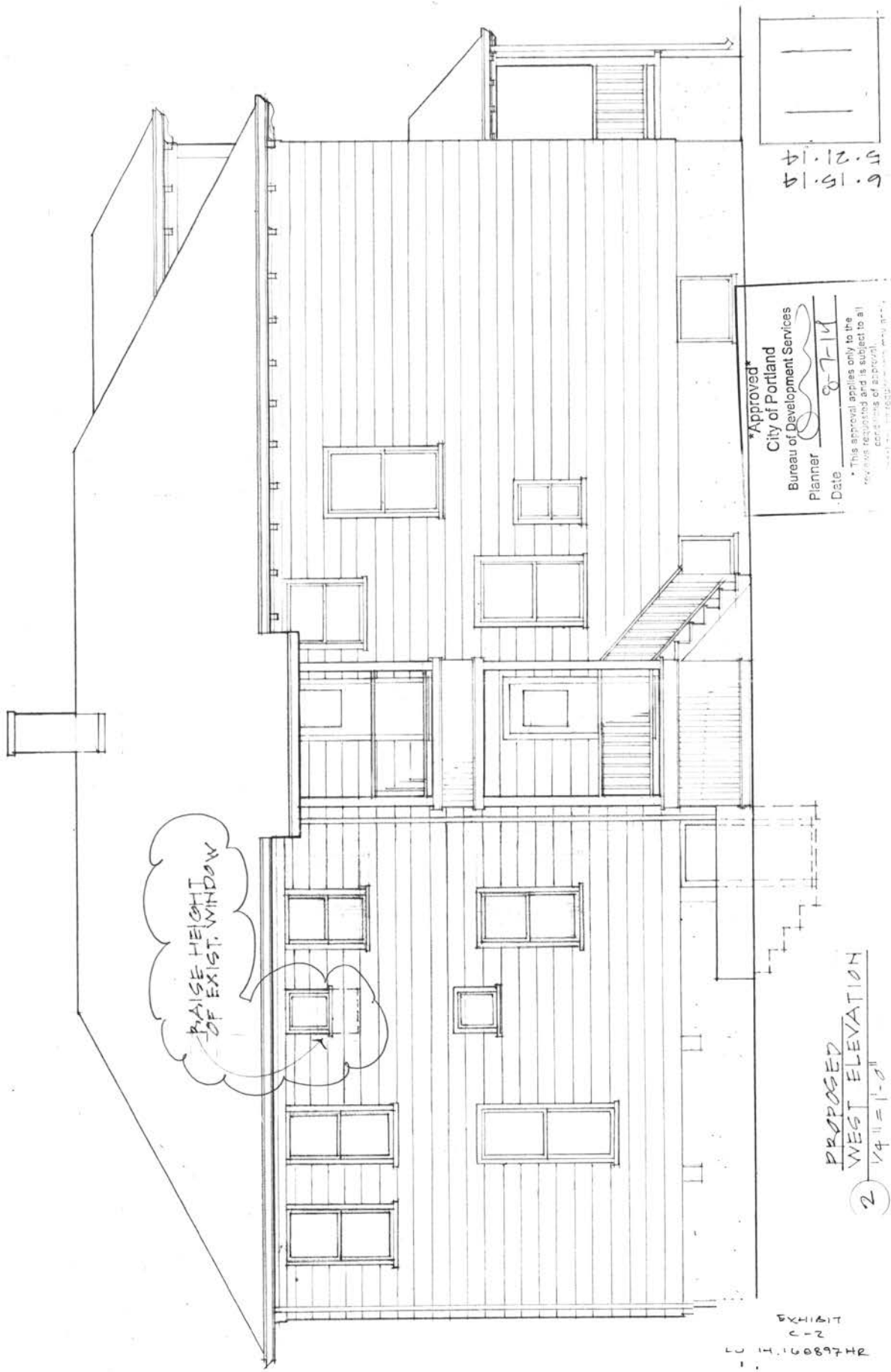
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Changing requirements may apply.

**NOTE:**  
 EXIST. WATER, SEWER & GAS LINES WILL NOT BE AFFECTED BY THIS PROJECT

1 SITE PLAN  
 1" = 10'-0"

EXHIBIT  
 C-1

LV14-160897HR



RAISE HEIGHT  
OF EXIST. WINDOW

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner [Signature]  
Date 6.15.14  
5.21.14

\* This approval applies only to the review requested and is subject to all conditions of approval.

PROPOSED  
WEST ELEVATION  
2  
1/4" = 1'-0"

EXHIBIT  
C-2  
14.160897HR