



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** August 1, 2016  
**To:** Interested Person  
**From:** Mike Gushard, Land Use Services  
503-823-5091 / [Mike.Gushard@portlandoregon.gov](mailto:Mike.Gushard@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 mailed copy of this document is only a summary of the decision. 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 16-139209 HR - NEW WINDOW AND DOOR AT REAR OF PROPERTY**

### **GENERAL INFORMATION**

**Applicant:** Elliott Gansner, Owner  
3308 SW Corbett Avenue  
Portland, OR 97239

**Site Address:** 3304-3308 SW CORBETT AVE

**Legal Description:** BLOCK 125 LOT 8, CARUTHERS ADD  
**Tax Account No.:** R140911850, R140911850  
**State ID No.:** 1S1E10BD 06400, 1S1E10BD 06400  
**Quarter Section:** 3329

**Neighborhood:** South Portland NA., contact Jim Gardner at 503-227-2096.  
**Business District:** South Portland Business Association, contact Kevin Countryman at 503-750-2984.  
**District Coalition:** Southwest Neighborhoods Inc., contact Sylia Bogert at 503-823-4592.

**Other Designations:** Contributing Resource – South Portland Historic District

**Zoning:** R2- Residential 2000

**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 proposes to remove a non-historic door from a rear addition to the property and install a new wood door on the facing wall. The project would also include installation of a new wood window in place of the existing glass door. The applicant will reuse lap-siding from the project to fill spaces under the new window. Any additional cladding will be identical to that which exists on the property. The building is a contributing resource in the South Portland Historic District and thus this project requires historic resource review.

**Relevant Approval Criteria:**

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

- 33.846.060G – Historic Resource Review

**ANALYSIS****Site and Vicinity:**

The subject property is identified as the A.P. Delin house in the National Register nomination form. It was constructed in 1892, and is large Queen Anne Style house. While its front elevation is largely intact it has at least one large contemporary addition to the rear of the property.

The South Portland Historic District is significant as the remnant of an early, originally much larger, working class and immigrant neighborhood that was greatly diminished by construction of the I-5 and I-405 freeways, and by large scale clearance under the auspices of Urban Renewal, during the 1960s and 1970s. The area was originally home to concentrations of ethnic and religious minorities from southern and eastern Europe, especially Italian Catholics and Jews from Poland, the Baltic States, and the Russian Empire. The majority of the district's remaining historic resources were built as residences, but with supporting commercial buildings, religious and social institutions, and small scale industrial structures scattered throughout the neighborhood fabric. Originally associated with workers at the shipping, manufacturing, and processing enterprises dependent on the nearby Willamette River, the area today is among the best remaining examples of a late Nineteenth Century working class residential neighborhood in Portland.

**Zoning:**

The Residential 2,500 (R2.5) single-dwelling zone is 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. The minimum density for new lots in this zone is 1 unit per 5,000 square feet and the maximum density is based on lot size and street configuration. Both detached and attached single-dwellings are allowed. Minimum lot size for both types of development is 1,600 square feet with minimum front lot line of 30 feet and minimum depth of 40 feet. There is no required minimum lot width or front lot line for lots that are developed with structures that meet certain additional development standards related to design.

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 there are no prior land use reviews for this site.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **June 10, 2016**. The following Bureaus have responded with no issues or concerns about the proposal:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- Bureau of Parks-Forestry Division
- The Bureau of Transportation Engineering.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **June 10, 2016**. 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 a designated as a contributing resource in a historic district. Therefore the proposal requires Historic Resource Review approval. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

*Staff has considered all of the approval criteria and addressed only those applicable to this proposal.*

### **33.846.060 G - Other Approval Criteria**

- 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.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
- 6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

**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.

**9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

**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 new window and door are located on an out-of-historic-character addition to the rear of the contributing resource. This addition does not possess the special significance to have become historically significant in its own right. The changes are not large enough to impact the form and integrity of the resource and are not visible from the district's public right-of-way. Because the changes are in an already heavily-altered and non-historic portion of the house they do not impact its character-defining elements or erode the buildings ability to act as a record of its time. The addition of historically sensitive materials, in this case a traditional style wood window and door, work the make the out of character addition to the property more in keeping with the Portland Zoning Code Chapter 33.846.060G. No alterations are proposed for the historic portions of the house and no subsurface impacts are proposed. There is no subsurface work associated with this project. *Therefore these criteria are 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 design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed project does not impact any of the character defining features of the building and introduces historically appropriate materials to an addition that adversely impacts the resource. The proposal meets the applicable design guidelines and *therefore warrants approval.*

## ADMINISTRATIVE DECISION

Approval of installation of a wood door and wood window at rear of property per the approved site plans, Exhibits C-1 through C-7, signed and dated July 26, 2016, 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.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-139209 HR ."

**Staff Planner: Mike Gushard**

**Decision rendered by:**  **on 7/26/2016**  
By authority of the Director of the Bureau of Development Services

**Decision mailed 8/1/2016**

**Procedural Information.** The application for this land use review was submitted on March 22, 2016, and was determined to be complete on June 2, 2016.

*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 22, 2016.

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: 9/30/2016**

**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 2, 2016**.

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 503-823-7617.

**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.

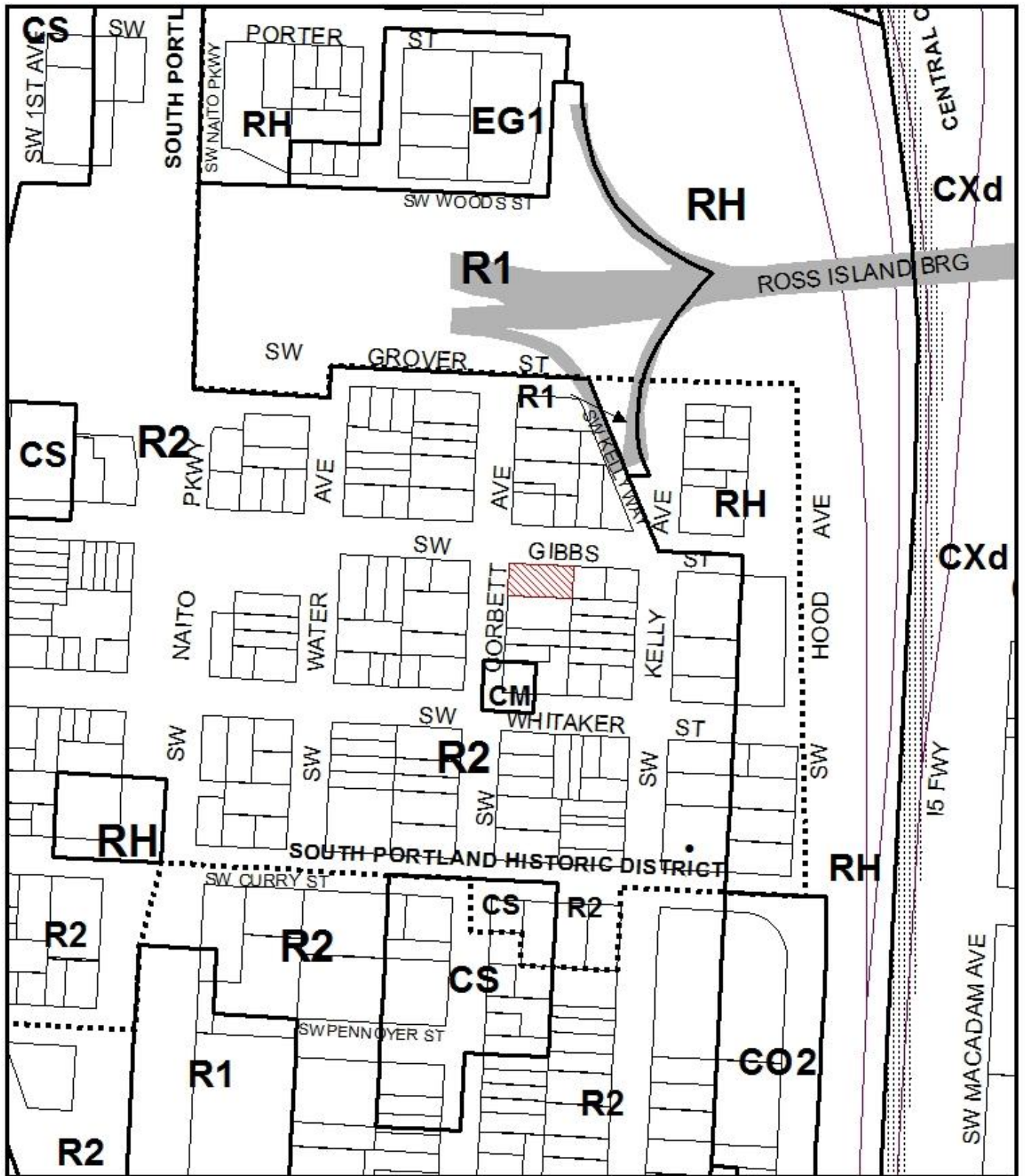
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan/Main Level
  2. Proposed Main Level (attached)
  3. Window specs and details
  4. Door specs and Details
  5. Existing Door elevation sketch
  6. Proposed Window elevation sketch
  7. Proposed Door elevation
- D. Notification information:

1. Mailing list
2. Mailed notice
- E. Agency Responses:
  1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Fire Bureau
  5. Site Development Review Section of BDS
  6. Bureau of Parks, Forestry Division
- 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



NORTH

Site

Historic Landmark

This site lies within the:  
SOUTH PORTLAND HISTORIC DISTRICT

File No. LU 16-139209 HR

1/4 Section 3329

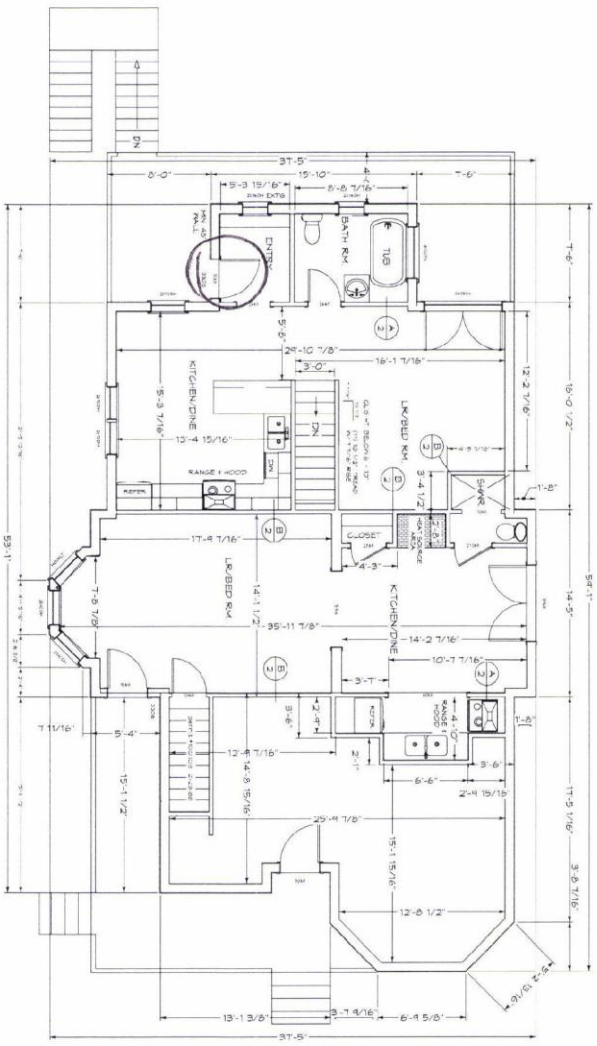
Scale 1 inch = 200 feet

State Id 1S1E10BD 6400

Exhibit B (Mar 24, 2016)



**HEADER SCHEDULE**  
**INTERIOR & EXTERIOR**  
 UP TO 4' 4 X 8  
 4' TO 6' 4 X 10  
 6' TO 8' 4 X 12  
 OVER 8' AS DETAILED



**PROPOSED MAIN LEVEL FLOOR PLAN**  
 Scale 1/4" = 1' - 0"

**\*Approved\***  
 City of Portland - Bureau of Development Services  
 Planner [Signature] Date 7/26/16  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

- BEDROOM DIMENSIONS' ESCAPE OR RESCUE CRANKS**
- M 310.1 Emergency escape required. Every sleeping room shall have a readily accessible means of escape or rescue approved for emergency escape or rescue. The units shall be operable from the inside without the use of tools, and shall be provided with a minimum clear opening of 20 inches (508mm) above the finish floor. The net clear opening dimensions required by this section shall be indicated by the manufacturer's listing. The net clear opening shall be provided with a window sill height below the adjacent ground level or shall be provided with a window well in accordance with Section 510.2.
  - M 310.1.1 Window sill. All emergency escape or rescue windows shall have a minimum sill height of 20 inches (508mm) above the finish floor.
  - Exception: Greater floor windows shall have a minimum net clear opening of 24 inches (610mm).
  - M 310.1.2 Minimum opening height. The minimum net clear opening height shall be 24 inches (610mm).
  - M 310.1.3 Minimum opening width. The minimum net clear opening width shall be 20 inches (508mm).
  - M 310.1.4 Operability. Emergency escape or rescue windows shall be operable from the inside of the room without the use of tools, special knowledge,

W 16-139209

MR C2

Revised	RMV	3-1-16
Date	RMV	3
Sheet		8

PROPOSED INTERIOR REMODEL FOR  
**ELLIOT GANSNER**  
 3304 SW CORBETT AVE.  
 PORTLAND, ORE.

by Designs West  
 971-322-7411/designswest@carby.com