



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: March 16, 2018
To: Interested Person
From: Santiago Mendez, Land Use Services
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NOTICE OF A TYPE Ix DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a 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 18-110842 HR - EXTERIOR ADDITION

GENERAL INFORMATION

Applicant/Owner: Mary J Thompson
2846 NW Fairfax Terrace
Portland, OR 97210-2806
mjthompson@tdaportland.com

Site Address: **2846 NW FAIRFAX TERRACE**

Legal Description: BLOCK 11 LOT 18-20, WESTOVER TERR
Tax Account No.: R900004110
State ID No.: 1N1E32AB 12000
Quarter Section: 2926

Neighborhood: Hillside, contact Kevin Kohnstamm at kevin.kohnstamm@comcast.net & Northwest District, contact John Bradley at 503-313-7574.

Business District: None

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Zoning: R7 - Residential 7,000 with Historic Resource Protection Overlay
Case Type: HR - Historic Resource Review
Procedure: Type Ix, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant requests Historic Resource review to legalize an electric box installed on the east wall of a designated Historic Landmark house.

Historic Resource Review is required for the proposed exterior addition to this landmark building in the Northwest District.

Relevant Approval Criteria:

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

- Criteria in Section 33.846.060.G of the Portland Zoning Code

ANALYSIS

Site and Vicinity: Listed in the National Register as a Historic Landmark, the J. C. Braly house sits on three lots of Block 11, Westover Terrace Addition. Built in 1926 by architects Thomas & Mercier in the Colonial Revival style, this two-story brick house exhibits detailed exterior brick and wood work of excellent quality and condition.

Zoning: The Residential 7,000 (R7) 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. Minimum lot size is 4,200 square feet, with a minimum width and depth dimensions of 40 feet and 55 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 7,000 square feet of site area.

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 **February 9, 2018**. The following Bureaus have responded with no issues or concerns about the proposal:

- Life Safety Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 9, 2018**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Elaine Paul, next-door neighbor to the south, wrote that they have reviewed the proposal and mentioned that *“Leaving the electrical box where it is makes the least impact on both properties. I would prefer the wires go underground but I can accept the box and wires as they currently are.”*

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 Historic Landmark outside the Central City Plan District and not within in a Historic or Conservation District, and the proposal is for non-exempt treatments. 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.

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.

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 for 1, 8 and 10: No historic materials will be removed or altered, thus preserving the character-defining features of the historic property. Allowing the electrical box to remain as is will ensure that architectural features of the building are not impacted. The electrical box is not visible from the street and will not affect views of adjacent properties.

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 proposed exterior addition to the J.C. Braly house, a historic landmark property will not alter or remove any historic materials of this property.

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 modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior addition to 2846 NW Fairfax Tec, per the approved site plans and Exhibit C-1, signed and dated 3/12/18, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information

appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 18-110842 HR ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Santiago Mendez

Decision rendered by:  **on 3/12/18**

By authority of the Director of the Bureau of Development Services

Decision mailed 3/16/18

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 January 22, 2018, and was determined to be complete on February 6, 2018.

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 22, 2018.

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: 6/6/18.**

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **March 16, 2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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:

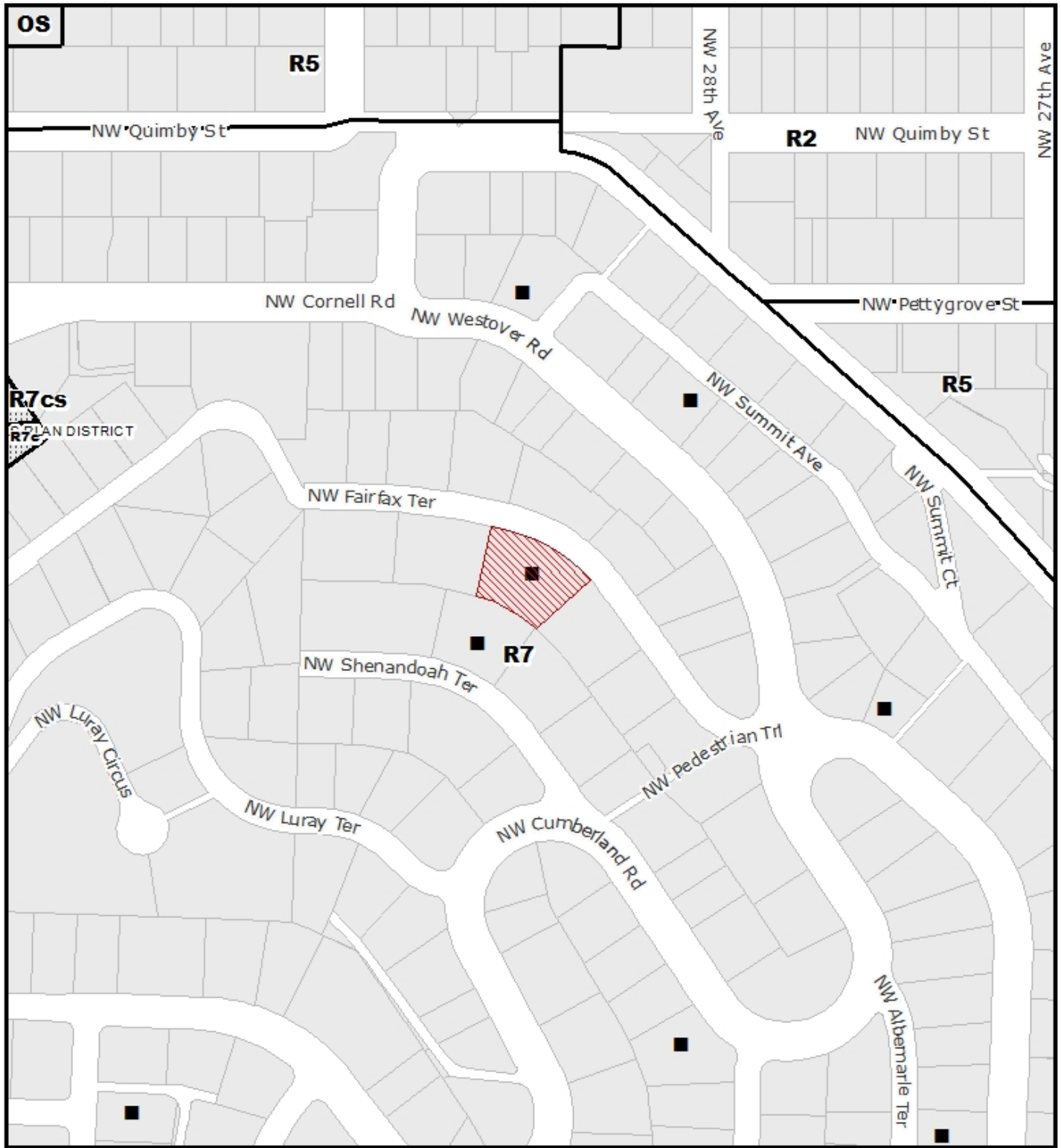
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Section of BDS
- F. Correspondence:
 - 1. Elaine Paul, neighbor, wrote on February 27, 2018 in support of preserving the existing electrical box.
- G. Other:
 - 1. Original Application
 - 2. Staff Correspondence with Applicant

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

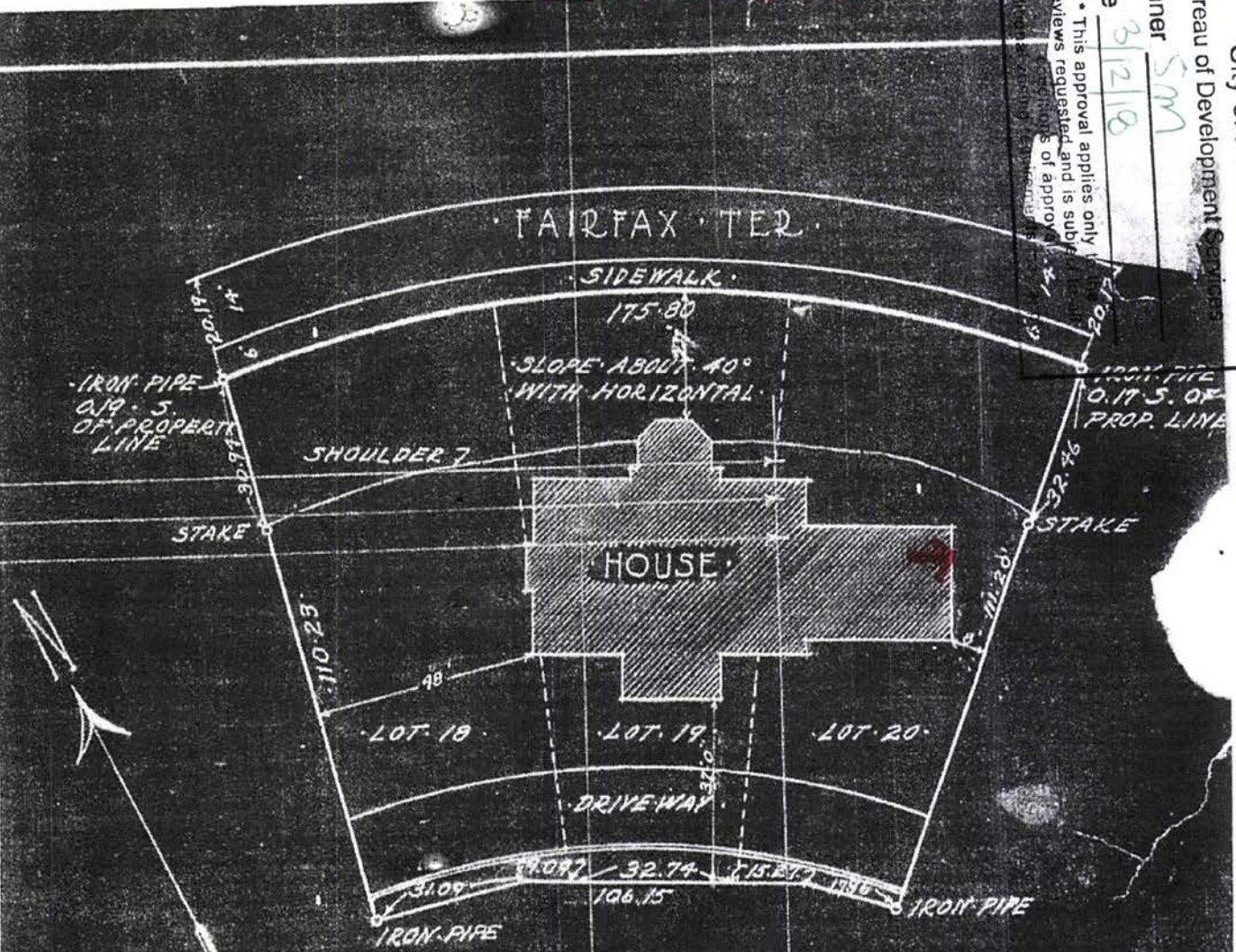
-  Site
-  Historic Landmark

File No.	<u>LU 18-110842 HR</u>
1/4 Section	<u>2926</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E32AB 12000</u>
Exhibit	<u>B Jan 25, 2018</u>

ELECTRICAL BOX LOCATION

Approved
City of Portland
Bureau of Development Services
Planner SM
Date 3/2/18

This approval applies only to reviews requested and is subject to conditions of approval.
Application is void if equipment is not installed.



PLOT PLAN
SCALE 1" = 30'
LOTS 18, 19, 20
BLOCK 11 WESTOVER TERR.