



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

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Date: September 26, 2018
To: Interested Person
From: Arthur Graves, 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 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 18-202523 HR – EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Todd Lasher | Todd Lasher Architect | 503.289.5594
 5632 N Atlantic Avenue | Portland, OR 97217

Owner: Holly Levow & Zachary S Levow
 2323 NW Lovejoy Street | Portland, OR 97210

Site Address: **2323 NW Lovejoy Street**

Legal Description: BLOCK 1 LOT 6, GOLDSMITHS ADD
Tax Account No.: R331300150
State ID No.: 1N1E33BC 12900
Quarter Section: 2927
Neighborhood: Northwest District, contact John Bradley at 503-313-7574.
Business District: Nob Hill, contact Nob Hill at nobhillportland@gmail.com.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Plan District: None
Other Designations: Contributing Resource in the Alphabet Historic District, listed in the National Register of Historic Places on November 16, 2000.

Zoning: **R1** – Residential 1,000 with Historic Resource Protection 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 requests Historic Resource Review approval for alterations to the structure historically known as the Davis Wilcox House, a “contributing” resource within the Alphabet Historic District. The alterations to the 1923 structure include:

- East Elevation:
 - Installation of a new pathway, including concrete stairs, and metal railings, to a proposed new basement entry.
 - Installation of two new all wood casement egress basement windows, each to be 2’-8” x 3’-4” in size.
 - Installation of a new wood (full light) door to the proposed new basement entry.
 - Installation of sconce lighting adjacent to proposed new basement door.

- West Elevation:
 - Installation of two new all wood casement egress basement windows, each to be 2'-8" x 3'-4" in size. Note: These alterations meet the exemption in the Portland Zoning Code (PZC), 33.445.320.B.4.b.(2) (see Exhibit A-6), for the basement windows on the west elevation, and so are exempt from this review.

The proposal includes non-exempt exterior alterations to a contributing building within the Alphabet Historic District therefore prompting Historic Resource Review prior to the issuance of building permits.

Relevant Approval Criteria:

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

- The *Community Design Guidelines*, and
- *Historic Alphabet District: Community Design Guidelines Addendum*.

ANALYSIS

Site and Vicinity:

The 5,000 square foot site is located on the north side of NW Lovejoy, just two sites west of NW 23rd Avenue. The site is developed with a single-dwelling residential home, known as the Wilcox Davis House, built in 1923 by the firm Wilcox-Shattuck and is a contributing resource within the Alphabet Historic District. The home is located toward the east side of the site, with a single-lane driveway on the left and minimal front and rear yards which are formally landscaped with patios and gardens. The subject site is higher in elevation than the adjacent commercial site to the northeast.

The nearby neighborhood contains a mixture of commercial and residential development. Within 200 feet east of the site, development is predominantly commercial and centered around the busy NW 23rd retail hub. Within 200 feet south of the site, development is predominantly a mixture of commercial and multi-dwelling residential. Within 200 feet west and north of the site, development is predominantly a mixture of single- and multi-dwelling residential. Sites adjacent to the subject site are residential to the north and west, commercial to the east and commercial across NW Lovejoy to the south. The nearby area is densely developed with a number of primary structures that appear to be located within side setbacks.

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 09-170948 HDZM: Approval for rear addition to house.
- LU 09-124763 AD: Approval of adjustment for fireplace within side setback
- ZC 6435 (90-024693): Denial of a zone change request

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **August 20, 2018**. No Bureau comments were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **August 20, 2018**. 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 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.

Findings: No changes to the house that have acquired historic significance will be altered.

This guideline is therefore 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: Preservation of the resource is of utmost importance when dealing with additions to a contributing historic resource. The new and replaced windows and door will be wood and detailed to match the existing windows and door regarding design, inset and trim. The existing wood siding will remain and not be impacted, because all new work is below the water course.

This guideline is therefore 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 wood windows, wood door and metal railings are consistent with materials and systems original to the contributing resource. Collectively, the alterations proposed to the contributing resource historically known as the Davis Wilcox House will not impact the architectural integrity or character of the site or structure, which will remain a valuable contributing asset to the immediate neighborhood as well as the greater Historic Alphabet District as a whole.

This guideline is therefore met.

Community Design Guidelines

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

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 for P1 and P2:

The proposed alterations: providing access, windows and a door, to the basement of the east elevation of the resource historically known as the Davis Wilcox House helps to contribute and enhance the place and identity of the plan area character through the incorporation of design elements that are consistent with original features on the resource. The location of the proposed alterations is also key to the approvability of the proposal, in that the proposed alterations will not be visible from the right-of-way to the south because they are located mid-elevation (versus being located closer to the south-east corner of the building which could result in noticeable impacts to the resource and/or site) and because they will be screened by the existing gate. In addition, the proposed alterations will not be visible from east because they are located below grade and facing the rear of a building that is both in a difference zone, CM2d,m - not R1, and which is not within the Alphabet Historic District. In short, it would be difficult to approve this same proposal if it were to be located on the west elevation, which would have a greater visible impact to the contributing resource and would be facing the Historic District.

These guidelines are therefore met.

D5. Crime Prevention. Use site design and building orientation to reduce the likelihood of crime through the design and placement of windows, entries, active ground level uses, and outdoor areas.

Findings: The access to the new east elevation basement entry, new windows and door, is behind an existing wood gate and so will not be visible from the adjacent sidewalk right-of-way to the south. Lighting is proposed at the new basement entry for additional visibility and security.

This guideline 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.

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

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 For D6, D7 and D8: The proposed alterations including a new wood door, access and wood windows, are compatible in design and character with existing features on the contributing structure. The proposed door and windows are both of a similar scale and style to other features on the structure and so respect and integrate the new design into the building. In addition, all trim, head, jamb and mullion profiles will match those existing on the building. The attention to existing architectural details found on the building regarding style, scale, material, mass and character help to insure that this alteration will be long lasting and continue to be a contributing building and asset to the Historic Alphabet District.

These guidelines are 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 requirements of Title 11 can be met, and 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 alterations to the structure historically known as the Davis Wilcox House preserves and maintains the architectural integrity of the contributing resource within the Alphabet Historic District.

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. As indicated in detail in the findings above, this proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the proposed door, window and accessway alterations to the east elevation of the structure historically known as the Davis Wilcox House, a contributing resource in the Alphabet Historic District.

Approval per the approved site plans, Exhibits C-1 through C-6, signed and dated September 19, 2018, 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 18-202523 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: Arthur Graves



Decision rendered by: _____ **on September 19, 2018.**

By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) September 27, 2018.

Procedural Information. The application for this land use review was submitted on July 13, 2018 and was determined to be complete on August 14, 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 July 13, 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: December 12, 2018.**

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 **September 27, 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:

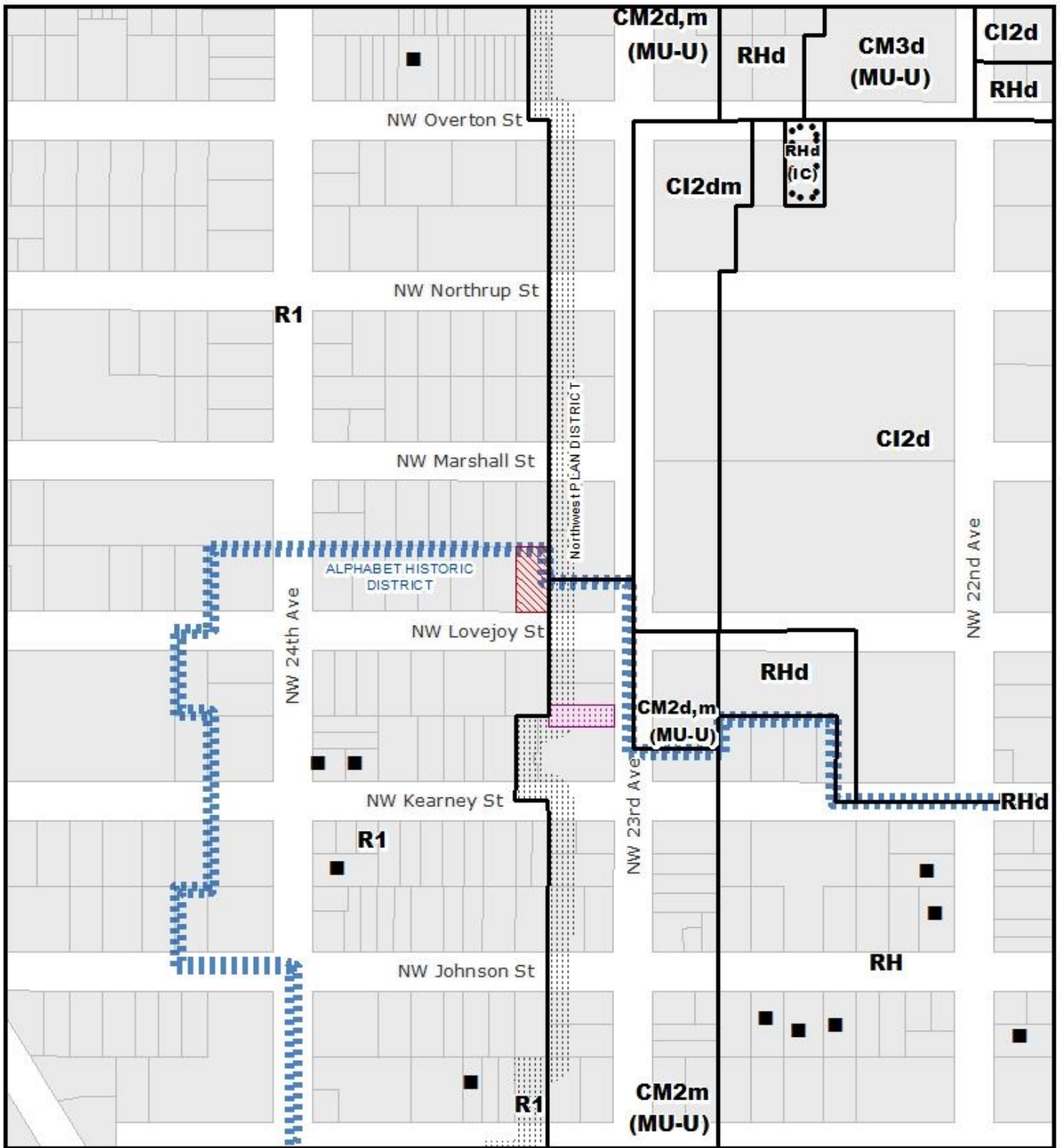
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's Statement and Narrative
 - 2. Initial Drawings: July 13, 2018
 - 3. Response to Incomplete Letter: August 10, 2018
 - 4. Revised Drawings: August 14, 2018
 - 5. Revised Drawings: August 29, 2018
 - 6. Revised Drawing: September 10, 2018
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan and Existing Elevations (attached)
 - 2. Plans: Existing and Proposed Basement
 - 3. Elevations: East, West and South - Existing and Proposed Basement (attached)
 - 4. Sections
 - 5. Details
 - 6. Manufactures Cutsheets
- 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. Historic Information
 - 3. Site Photos
 - 4. Incomplete Letter: July 24, 2018

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
 THIS SITE LIES WITHIN THE:
 ALPHABET HISTORIC DISTRICT

-  Site
-  Also Owned Parcels
-  Historic Landmark

File No.	LU 18-202523 HR
1/4 Section	2927
Scale	1 inch = 200 feet
State ID	1N1E33BC 12900
Exhibit	B Jul 16, 2018

