



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

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Date: May 16, 2019
To: Interested Person
From: Tanya Paglia, 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 **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 19-131311 HR – BASMENT STAIR & EGRESS WELL

GENERAL INFORMATION

Applicant: Brannon Lobdell | Brannon Ritner Lobdell Architecture LLC
5420 NE 35th Pl
Portland, OR 97211
brannon@blobdell.com

Owner: Susan Owens
215 NW 22nd Ave
Portland, OR 97210

Site Address: **215 NW 22ND AVE**

Legal Description: S 50' OF N 150' OF BLOCK 33, KINGS 2ND ADD
Tax Account No.: R452305650
State ID No.: 1N1E33CA 05000
Quarter Section: 3027

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: Northwest
Other Designations: Contributing resource in the Alphabet Historic District

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 replace two basement windows on a side façade (south) of the *Henry Story House*, a contributing resource in the Alphet Historic District to accommodate a new accessory dwelling unit in the basement. One window will be replaced with a larger egress window and window well. The other will be replaced with a basement door accompanied by a below-grade concrete stairwell. The stairwell will have a 42” wood guardrail with wood posts, rail and balusters that match existing guardrail at the back porch.

The applicant also proposes to replace a third basement window on the south elevation which is exempt from review per Portland Zoning Code 33.445.320.B.4.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations in the Alphet Historic 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:

- Community Design Guidelines
- Historic Alphet District: Community Design Guidelines Addendum

ANALYSIS

Site and Vicinity: The site is a single parcel of 6,155 square feet, on the west side of NW 22nd Ave. The site is developed with a two-and-one-half story single-dwelling residence constructed in 1909 in the American Foursquare style with horizontal board siding. Known as the *Henry Story house*, the structure is considered a contributing resource to the Historic District. The house has a covered front porch facing the street and a generally square footprint. Like many other nearby residences, the site has no off-street parking. A retaining wall runs the length of the front of the property with a short picket fence on top.

The house sits up and back from the street on a site that slopes down from the house to the sidewalk. A stone wall with a picket fence sits at the front of the property along its NW 22nd Ave frontage. While the subject site is in the Alphet Historic District in a residential zone, the property immediately to the south is commercially-zoned and is outside the historic district. The subject site abuts a parking lot to the south and a four-story apartment building to the north. The surrounding area is characterized by a diversity of homes, apartments, condominiums, and a variety of commercial uses and developments. The subject site has the only single-dwelling residence on the block. Nearby commercial and other non-residential uses are found nearby on W. Burnside, and on properties fronting either side of Davis, NW 23rd Avenue and others.

Alphet Historic District was listed in the National Register of Historic Places on November 16, 2000, with periods of significance of 1875-1899, 1900-1924, and 1925-1949. The 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.

The District is located at the base of the West Hills, roughly bounded by W Burnside Street to the south, NW 17th Avenue to the east, NW Marshall Street to the north and NW 24th Avenue to the west. The district is predominantly residential in character but also has two main commercial corridors along NW 21st and NW 23rd Avenues, as well as institutional properties. Originally platted as a residential district for the upper class, the Lewis and Clark Exposition of 1905 prompted the construction of several apartment buildings by notable Portland architects. The neighborhood is still one of the city’s more densely populated historic neighborhoods.

Zoning: The High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are 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. Newly created lots in the RH 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.

The Northwest Plan District implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter: promote housing and mixed-use development; address the area's parking scarcity while discouraging auto-oriented developments; enhance the pedestrian experience; encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.

Land Use History: City records indicate that prior land use reviews include the following:

- **CU 044-78** – Approval of a Conditional Use for an office in an AO zone. The review included the subject site and a portion of the lot directly to the south. The conditions for this review no longer apply to the site.
- **LU 14-198423 HR** – Historic Resource Review approval for a proposal to construct a railing around the roof of an existing front porch to provide a deck area on the second story.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **April 1, 2019**. No agency review was provided given the scope of work.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 1, 2019**. 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 Alphet District Community Design Guidelines Addendum*.

Staff has considered all guidelines and addressed only those applicable to this proposal.

Historic Alphet 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 Alphet District.

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.
- 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 HADCDA 1, 2, 3 and CDGs P1, P2, D6, D7, D8: *The Henry Story house* is a contributing resource in the Alphet Historic District and is notable as a good example of a Colonial Revival/Foursquare-style residence typical of other similar structures in NW Portland from the same era. While the proposed exterior alterations are minimal in scope, they will allow a conversion of the basement into habitable space for an ADU, providing increased density to the neighborhood while maintaining the historic fabric of the primary structure and the historic district.

The project will not alter any changes made over time that have acquired historical significance. In addition, the proposed alterations will not remove materials that characterize *the Henry Story house* and the integrity of the resource will be preserved. The new window, door and guardrail will be compatible with the original resource's features. In the same way, the exterior alterations will be compatible with the adjacent properties and the rest of the district. Overall the proposed work will not visually detract from the historic aesthetic of the house, adjacent properties and district.

The alterations are of a minimalist design and will not call attention to themselves while being aligned with other architectural elements on the same façade to create a harmonious composition. Given the limited size and scope of the proposed

alterations and their location being confined to the side (south elevation) of the building and at the basement level, the project will not detract from the historic character of this contributing resource in the Alphabet Historic District. The majority of the work is below grade, keeping the bulk of any visible changes to very limited vantage points. The visual impact of the proposed alterations will thus be extremely small.

These guidelines 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 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 limited scope of changes proposed will be compatible with the design of the existing development and be compatible with the historic qualities of the 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. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a new below grade stair and replacement of basement windows with another window and a door on the *Henry Story House*, a contributing resource in the Alphabet Historic District, per the approved site plans, Exhibits C-1 through C-9, signed and dated 5/13/2019, 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 19-131311 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: Tanya Paglia



Decision rendered by: _____ **on 5/13/2019.**

By authority of the Director of the Bureau of Development Services

Decision mailed: 5/16/2019

Procedural Information. The application for this land use review was submitted on March 12, 2019, and was determined to be complete on March 26, 2019.

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 12, 2019.

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: 7/24/2019.**

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 **5/16/2019** 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:

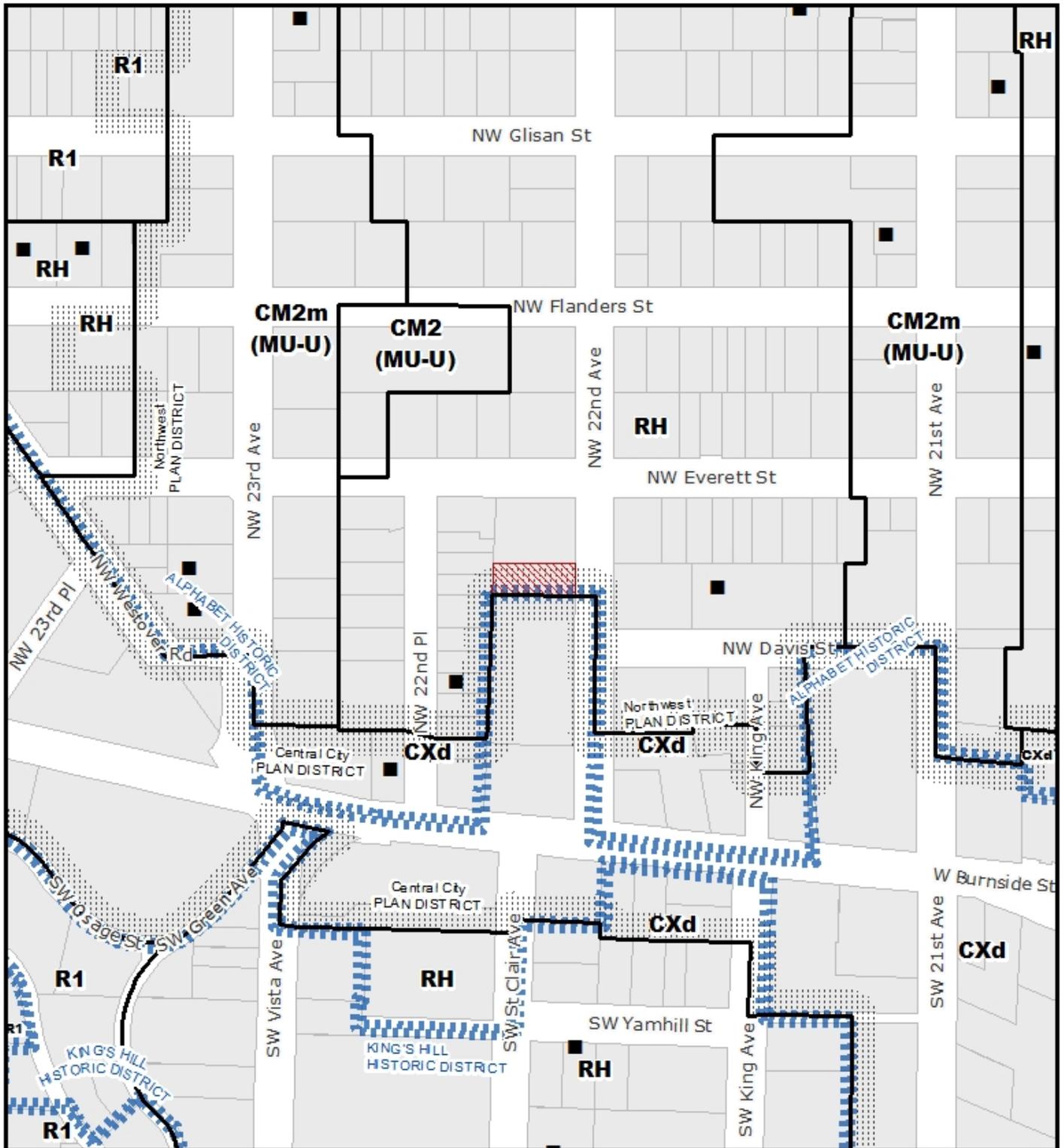
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 1. Applicant's project description and response to approval criteria, 3/12/2019
 2. Original plan set – NOT APPROVED/reference only, 3/12/2019
 3. Product information sheets
 4. Plan Set Cover Sheet
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan
 2. Site Plan & Enlarged Stair & Egress Well Section & Plan (attached)
 3. Existing Basement and Demo Plan
 4. Proposed Basement Plan
 5. Existing East and North Elevations
 6. Existing West and South Elevations
 7. Proposed East and North Elevations
 8. Proposed West and South Elevations (attached)
 9. Proposed Section
- 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. Oregon Historic Site Record

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

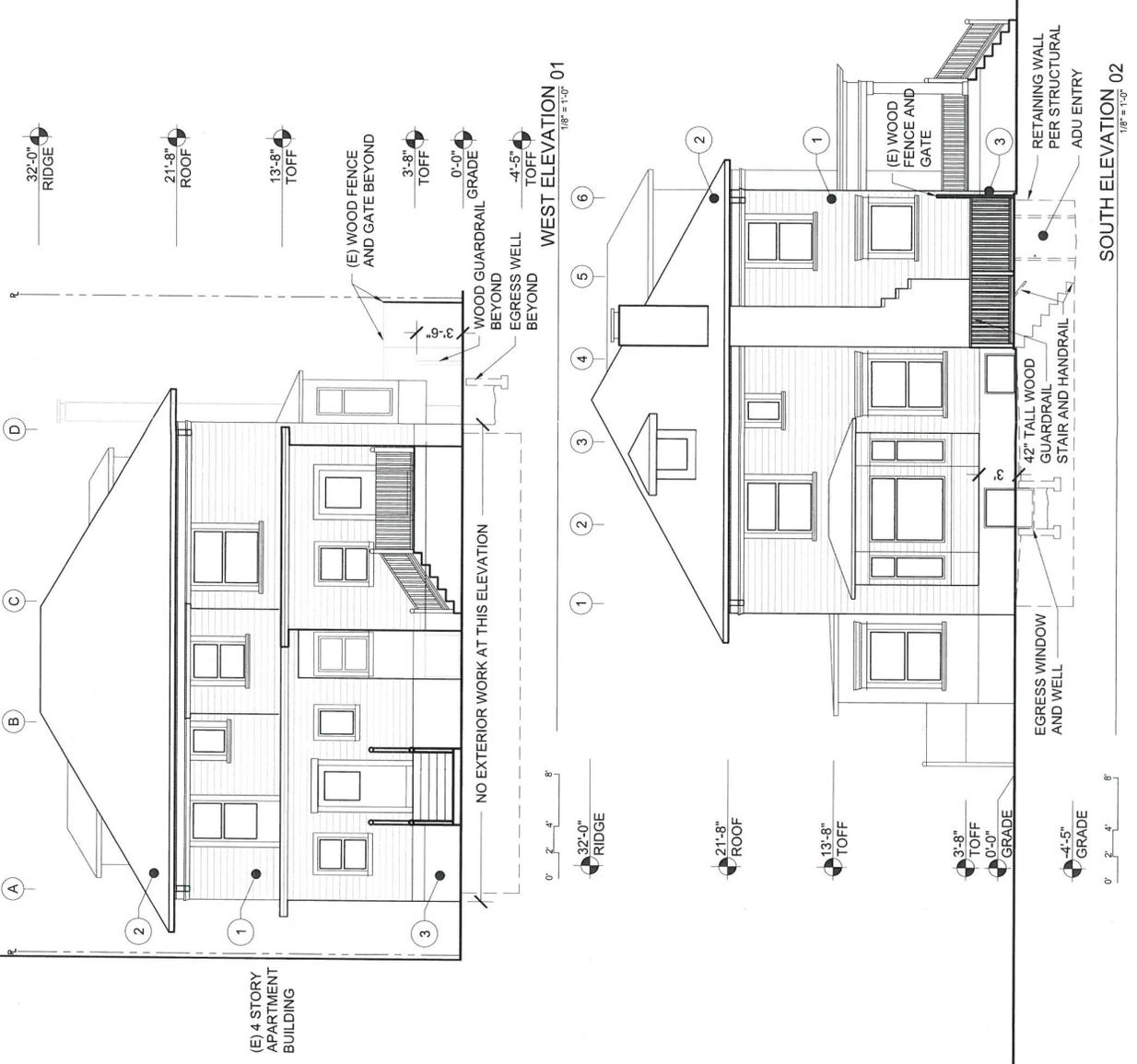
THIS SITE LIES WITHIN THE:
 NORTHWEST PLAN DISTRICT
 ALPHABET HISTORIC DISTRICT

-  Site
-  Historic Landmark

File No.	LU 19-131311 HR
1/4 Section	3027
Scale	1 inch = 200 feet
State ID	1N1E33CA 5000
Exhibit	B Mar 14, 2019

Approved
 City of Portland - Bureau of Development Services
 Planner _____ Date 5/13/2019
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

- KEYNOTES
- 1. 6" WOOD SIDING
 - 2. ASPHALT SHINGLE ROOF
 - 3. BRICK



OWENS ADU
 215 NW 22ND AVE
 PORTLAND, OR 97210

BRLA
 BRYAN R. LARSEN, ARCHITECT
 1037 SW 75TH
 PORTLAND, OR 97210
 Set | Date: _____
 Reviewer: _____
 Approved to Show Wood Guardrail:
 APRIL 11, 2019

Drawing:
 PROPOSED
 EXTERIOR
 ELEVATIONS
 Sheet:

A3.3
 C-8

LU 19-131311 HK