

City of Portland

Bureau of Development Services

Land Use Services Division

1900 SW Fourth Ave. Suite 5000 Portland, Oregon 97201 Telephone: 503-823-7300

TDD: 503-823-6868 FAX: 503-823-5630 www.portlandonline.com/bds

Date: August 25, 2008 **To:** Interested Person

From: Noelle Elliott, Land Use Services

503-823-7812 / Noelle.Elliott@ci.portland.or.us

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 08-111827 HDZ – RENOVATION AT 2265 NW KEARNEY ST

GENERAL INFORMATION

Applicant: Jim Brunke, 503-223-2200

2265 NW Kearney St Portland, OR 97210

Site Address: 2265 NW Kearney Street

Legal Description: LOT 13 BLOCK 20, KINGS 2ND ADD

Tax Account No.: R452303330 **State ID No.:** RN1E33BC 00500

Quarter Section: 2927

Neighborhood: Northwest District, contact John Bradley at 503-227-7484.

Business District: Nob Hill, contact Peggy Anderson at 503-417-8960.

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

Plan District: Northwest

Zoning: RH: High Density Residential zone with a design overlay

Case Type: HDZ: Historic Design Review

Procedure: Type II, an administrative decision with appeal to the Landmarks

Commission.

Proposal:

The applicant seeks Historic Design Review approval for a renovation to an existing house at 2265 NW Kearney St. within the Alphabet Historic District. The proposal includes enlarging the ground floor, and adding new windows and doors to the ground floor façade of the rear of the house. A new wood deck is proposed on the rear of the building with wooden stairs and railings providing access to the east and west side yards. The proposal extends the ground floor of the northwest corner of the house to encompass an existing set of exterior stairs leading to the existing back door. The new ground floor addition will incorporate horizontal wood siding to match existing wood siding on a portion of the upper floor of the building, and a hip roof to match existing roofs on the porch and east-facing window bay. The eave of the hipped roof will measure 0'-11", which matches the depth of the eave on an existing window bay on the

south façade, and is narrower than the 1'-7" deep eave of the primary building roof. On the west façade of the addition, the applicant will relocate an existing wood window, and add a new 2'-6" wide by 5'-3" tall fiberglass window. On the north façade [rear] of the existing house the applicant proposes a new 5'-0" wide by 5'-3" tall double fiberglass window, and a new set of fiberglass French doors with a custom wood-framed window above. A new 2'-6" wide by 5'-6" tall fiberglass window is proposed for the north corner of the east façade. The new wood window and door trim will match existing window trim used throughout the residence.

Because the proposal is in an historic district and exterior alterations are proposed, Historic Design Review is required.

Relevant Approval Criteria:

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

- 33.846 Historic Reviews
- Community Design Guidelines
- Historic Alphabet District: Community Design Guidelines Addendum

ANALYSIS

Site and Vicinity: The site is located within the Historic Alphabet District. The oldest structures in the District date back to the last decades of the 19th century. The single-family residence at 2265 NW Kearney was constructed in 1904, and is considered a primarily contributing structure to the district. The building was later converted to a four-plex, then to a duplex, and currently exists again as a single-family residence. Additions and changes to the facade have marked each conversion, resulting in a stylistically altered building, whose fundamental character is that of an American Foursquare with Craftsman details. The building includes an (original) square floor plan, boxed eaves, and a hipped roof. The pitch of the hipped-roof is typical to Craftsman style, though lacking exposed rafters and roof brackets common to Craftsman homes. The building's exiting windows are a combination of styles and materials, including what appear to be original wood double-hung windows on the majority of the residence, wood windows of a later era on a rear-facing portion of the ground floor, and one fiberglass windows on the rear-facing portion of the second floor.

The block is bound by NW Lovejoy to the north, NW 22nd Ave to the east, NW Kearney to the south, and NW 23rd Ave to the west. The property is sited mid-block facing NW Kearney. NW Lovejoy and NW 23rd Ave form high traffic corridors through the neighborhood. The adjacent site to the east is currently used as a community garden, with two similar era Craftsman homes located further east. The surrounding neighborhood is a mixture of commercial properties, mostly fronting NW 23rd Avenue, mid-scale historic apartment buildings, and smaller detached residential buildings. Good Samaritan's hospital campus is located to the east and north of the property, fronting NW Lovejoy St. The entire Historic Alphabet District is classified as a Pedestrian District and a streetcar stop is located in the northeastern corner of the block. NW 23rd Ave, a significant residentially scaled commercial street within NW Portland, is designated a Main Street. NW Lovejoy and NW 23rd Ave are served by frequent bus service, and are identified as Neighborhood Collector Streets and Community Main Streets. NW Lovejoy is classified as a Transit Access St, and NW 23rd Ave is a Major Transit Priority St. NW Lovejoy is designated a City Bikeway, and the surrounding streets are Local Service Bikeways.

Zoning: The RH zone is a high-density multi-dwelling residential zone. Certain retail sales and service and office uses are allowed as conditional uses to provide mixed-use development on larger sites that are close to light rail transit facilities. The maximum residential density is limited to a FAR of 4:1 on this site, and the minimum density is one unit per 1,000 square feet of site area. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development, 3,000 square feet for development with detached houses, 800 square feet for development with attached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

The "d" overlay promotes the conservation and enhancement of areas of the City with special historic, architectural or cultural value. New development and exterior modifications to existing development are subject to design review.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region's 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 the following prior land use reviews for this site:
• LU 02-151369 HDZ: Approval to add a new exterior wood stair and two new dormers.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **June 3, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Bureau of Parks-Forestry Division

The <u>Bureau of Environmental Services</u> responded with the following comment: "BES has no objections to the proposed project. Be aware, when over 500 square feet of impervious area is developed or redeveloped, pollution reduction and flow control requirements must are required and facilities must be shown on a site utility plan at the time of building permit...The plans for this project are currently being reviewed under the building plan review process under application #08-103899-RS. BES and BDS Site Development shall review and approve a stormwater management plan that meets the requirements of the Stormwater Management Manual."

Please see Exhibit E-1 for additional details.

The <u>Site Development Section of BDS</u> responded with the following comment: "Site Development has no objection to this Design Review. At the time of plan review, plans must show an approved method of stormwater disposal. James Hyatt of Site Development has determined that stormwater may be directed to the existing rain drain system. Please refer to the response from the Bureau of Environmental Services regarding additional comments/requirements pertaining to stormwater. Technical questions regarding stormwater may be directed to James Hyatt, (503) 823-7979."

Please see Exhibit E-2 for additional details.

The <u>Life-Safety Plans Examiner of BDS</u> responded with the following comment: "A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances...Heated space within a dwelling shall meet the insulation requirements of Table N1104.1(1). ORSC N1104.1"

Please see Exhibit E-3 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 3, 2008. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Purpose of Historic Design Review

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Design Review Approval Criteria

Requests for historic design 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. Therefore the proposal requires Historic Design Review approval. The applicable design guidelines are the Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum [33.846.060 E.1.c]

<u> Historic Alphabet District - Community Design Guidelines Addendum</u>

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.

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 only has addressed those considered applicable to this proposal. Historic Alphabet District Guidelines and Community Design Guidelines are addressed concurrently.

Historic Alphabet District Approval Criteria

- **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 Alphabet District.
 - **Findings for 1, 2 and 3:** The extension of the ground floor at the rear of the property, and the addition of new windows and doors to the side and rear façade are carefully composed to complement the existing building. The new addition appears secondary to the primary building form due to its small scale and location on the rear façade. The addition utilizes a hipped roof to match the primary roof form, but with a narrower eave than the primary roof, 0'-11" versus 1'-7". The 0'-11"depth of the eave matches the depth of a projecting window bay on the north face of the building. The new horizontal wood siding is differentiated from the existing asbestos siding that covers the majority of the building, and reflects the character of the original structure. The majority of the new windows, along with the French

doors, are fiberglass construction, and complement the building and the District's historic character, with proportions that closely match the building's original wood windows. The windows that have been replaced are non-historic in character, or too damaged to re-use. Due to the existing mixture of window types on the building, expressing differing eras, styles, and materials, the insertion of new fiberglass windows does not represent a significant disruption to the historic architecture. The new windows and doors are recessed within the plane of the building wall slightly more than the building's original wood windows, and provide a similar level of depth to the façade. *These guidelines are therefore met.*

Community Design Guidelines

- **P1.** Community Plan Area Character. Enhance the sense of place and identity of community plan areas by incorporating site and building design features that respond to the area's unique characteristics and neighborhood 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.
- **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 for P1, P2 and D5: The new addition to the rear of the property is appropriately scaled and detailed to support the desired characteristics of the Northwest Plan District and the Alphabet Historic District. The addition of new doors and windows to the west, north and east facades maintains the building's residential character and improves the safety of the neighborhood. The new windows and doors, as well as the hipped roof detail on the new addition that recalls the building's primary roof form, complement the historic detailing of the building and of the Alphabet Historic District. The proposed fenestration reflects characteristics of the historic windows, incorporating wood trim and paint that matches the dimensions of the exiting building trim and the colors of the existing windows. Similarly the new windows provide a comparable level of depth and liveliness to the façade with an inset of 1 ^{7/8}" inches from the outer plane of the wall (the original wood windows are recessed slightly less at 1 1/4"). The existing mixture of windows on the building, reflecting differing eras, materials, and proportions, provides a somewhat complex architectural context for the insertion of the new additions. The same is true for the mixture of siding and foundation types evident on the building. The proportions and placement of the new fiberglass windows and doors ensures their compatibility with this much-altered historic building. The use of wood siding on the new addition, placed in the same plane as the building's original wood siding, expresses a consistency with the historic building fabric. The new deck and wooden stairs at the rear of the property incorporate a wood railing that matches the details of the wood railing used on the front porch, helping maintain the building's original character. These guidelines are therefore 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 modest size of the new rear addition, and the attention paid to historic details used throughout the façade, support the building's architectural integrity and reinforce the quality and character of the Historic District. The proportions of the new windows and doors, and the new horizontal siding, ensure the lasting quality of the new additions and their integration with the building's historic architecture. The addition of fiberglass elements to this already much-altered building, reinforces aspects of the historic building fabric; The new windows and doors are placed within the wall in a consistent manner with the building's original wood windows, and are painted to match. This helps to retain an architectural continuity across the façade that bolsters the historic character of the building. *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 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 proposal meets the applicable design guidelines and therefore warrants approval. The proposed addition is minimal in scale and closely matches the proportions and architectural details of the original structure. The recessed placement of the new windows and doors, the proportions of the new fenestration, and the ability to paint the new additions to match the building's original windows and doors, supports the integrity of the historic resource.

ADMINISTRATIVE DECISION

Approval of enlarging the ground floor with a new hipped-roof addition with an eave depth of 0'-11", adding four new fiberglass windows, one new wood window, and one set of fiberglass French doors to the side and rear ground floor façades, and adding a new wood deck to the rear of the residence with wooden stairs and railings per the approved drawings, Exhibits C-1 through C-9, signed and dated August 20, 2008, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required drawings and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-111827 HDZ. No field changes allowed."

Decision rendered by:

on August 20, 2008.

y authority of the Director of the Bureau of Development Services

Decision mailed: August 25, 2008

Staff Planner: Noelle Elliott

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 February 27, 2008, and was determined to be complete on **May 28, 2008.**

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 February 27, 2008.

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 waived the 120-day review period, as stated with Exhibit A-3.

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.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 8, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please contact the receptionist at 503-823-7967 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.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **September 9, 2008**, the day following the final day to appeal.
- A building or zoning permit will be issued only after the final decision is recorded.

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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

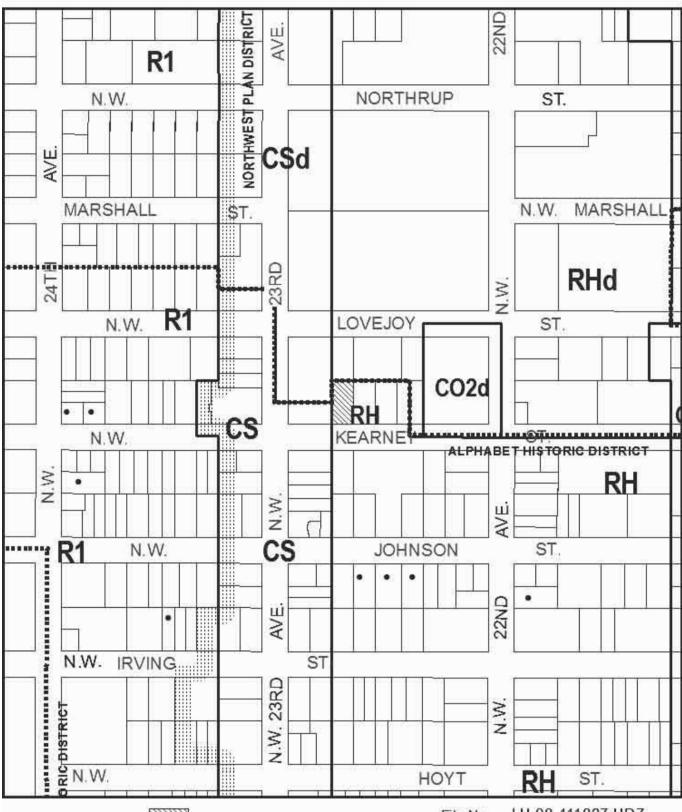
• All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Statement & Drawings
 - 2. Additional Information
 - 3. 120-Day Waiver
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. First Floor Plan Addition (attached)
 - 3. West Elevation Addition (attached)
 - 4. North Elevation Addition (rear) (attached)
 - 5. East Elevation Addition
 - 6. North (Rear) Elevation Building & Proposed Deck
 - 7. Enlarged Deck and Railing Elevation
 - 8. Existing Historic Window Section
 - 9. Proposed Fiberglass Window Section (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Site Development Review Section of BDS
 - 3. Life-Safety Plans Examiner of BDS
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).



ZONING

Site

Historic Landmark

↑ NORTH

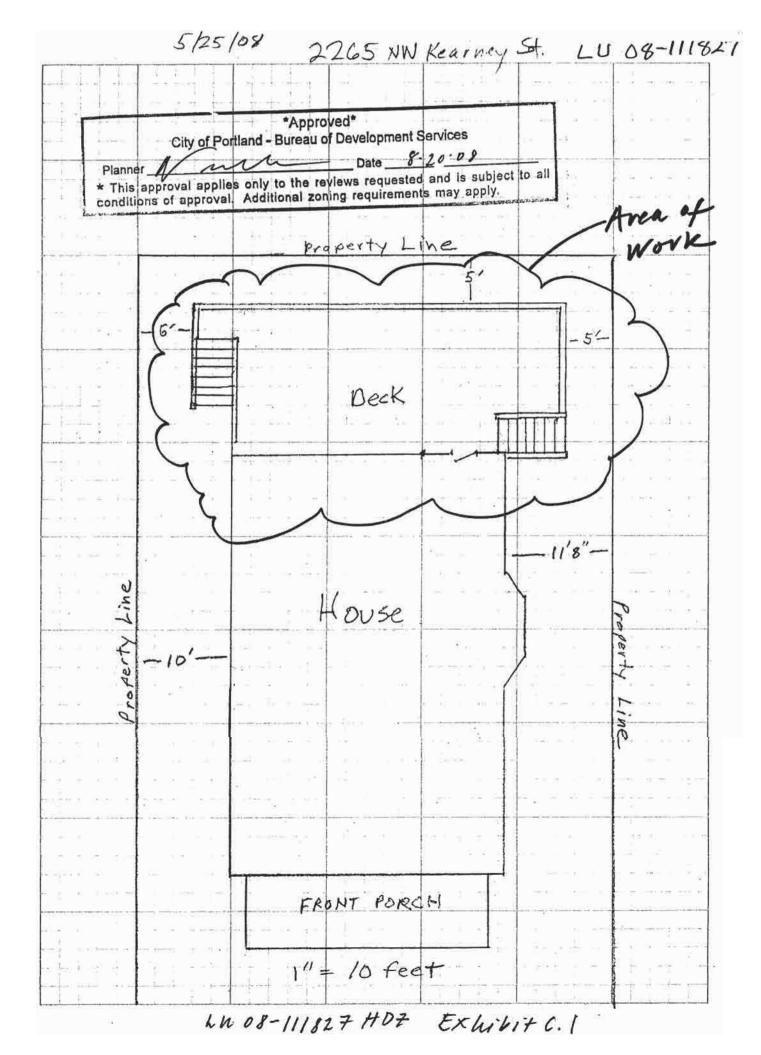
This site lies within the: NORTHWEST PLAN DISTRICT File No. LU 08-111827 HDZ

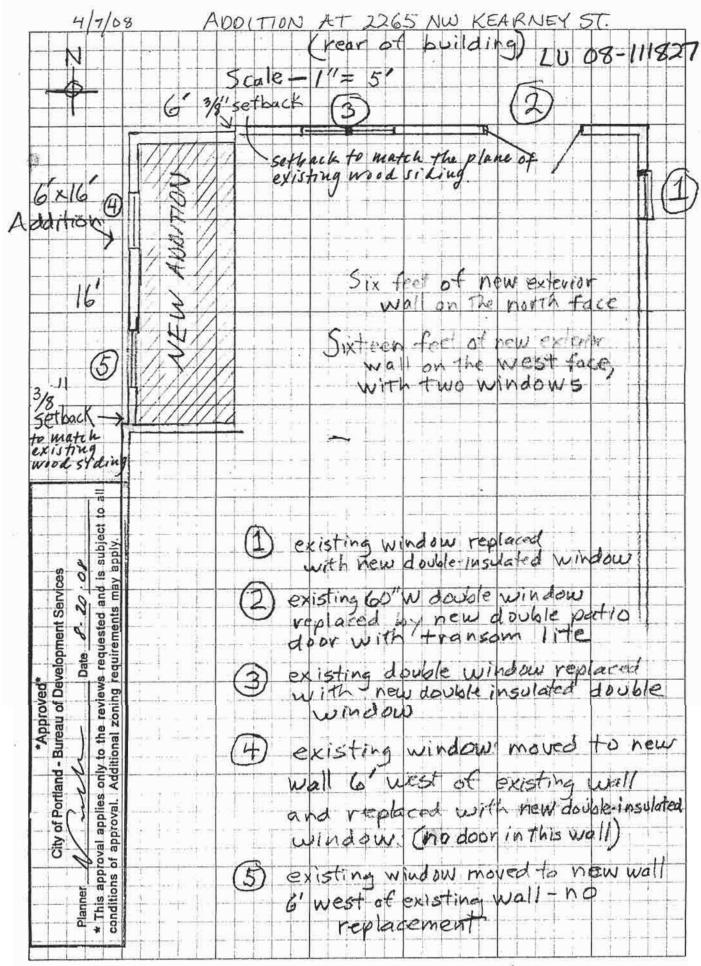
1/4 Section 2927

Scale 1 inch = 200 feet

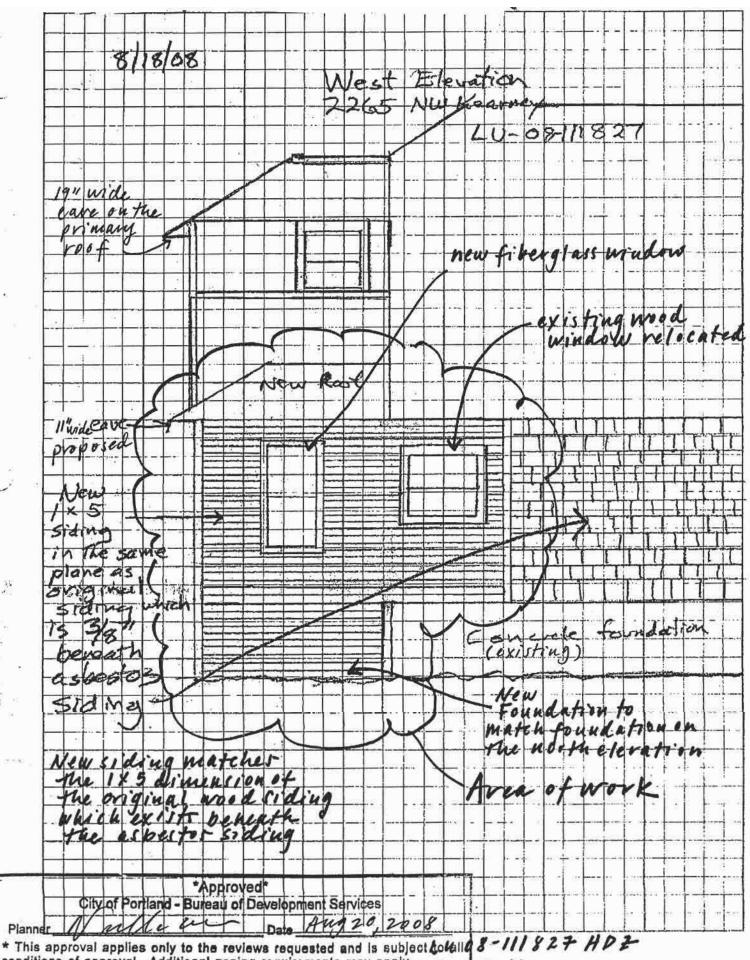
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Exhibit B (Feb 28,2008)

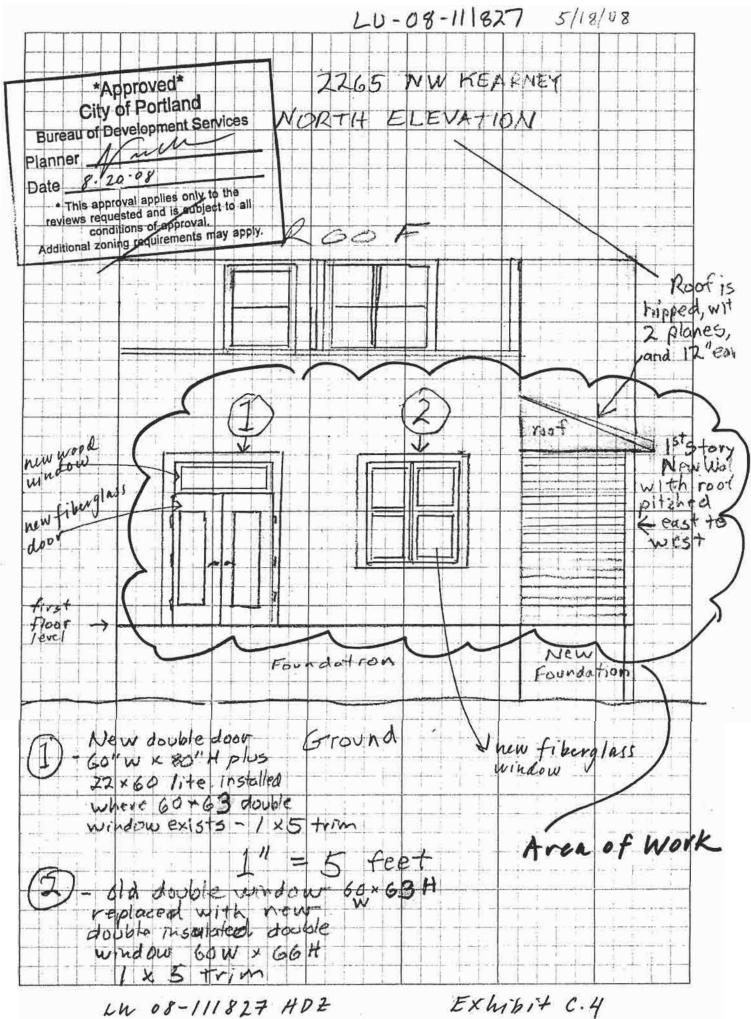




Lu 08-111827 HDZ Exhibit C.Z

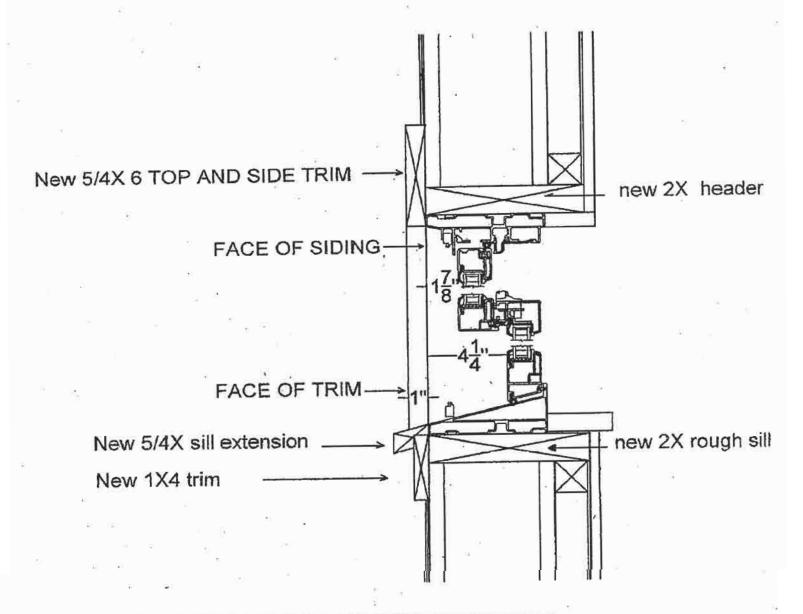


conditions of approval. Additional zoning requirements may apply. Exhibit C.3



To: Noelle Ellist 2265 NW Kearney St. Fox - 823.5630 LU-08-111827

Proposed Fiberglass Windows



Approved

City of Portland - Bureau of Development Services

Planner Date P. 20:08

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

LU 08-111827 HDZ Exhibit C.9