

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

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

FROM CONCEPT TO CONSTRUCTION

Date: June 24, 2015

To: Interested Person

From: Hillary Adam, Land Use Services 503-823-3581 / Hillary.Adam@portlandoregon.gov

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 mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website

<u>http://www.portlandonline.com/bds/index.cfm?c=46429</u>. 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 15-124676 HR – NEW PORCHES AND PARKING AREA

GENERAL INFORMATION

Applicant/Owner:	Jean& Thomas P Rychlik 2246 NW Glisan St / Portland OR 97210
Site Address:	2343 NW IRVING ST
Legal Description: Tax Account No.: State ID No.: Quarter Section: Neighborhood: Business District: District Coalition: Plan District: Other Designations:	BLOCK 7 E 1/2 OF LOT 9, KINGS 2ND ADD R452301170 1N1E33BC 06500 2927 Northwest District, contact John Bradley at 503-313-7574. Nob Hill, contact Mike Conklin at 503-226-6126. Neighbors West/Northwest, contact Mark Sieber at 503-823-4212. None Local Historic Landmark, designated by City Council Ordinance #137292, on October 3, 1973, also listed as a contributing resource in the Alphabet Historic District, listed in the National Register of Historic Places on November 16, 2000.
Zoning: Case Type: Procedure:	R1 – Residential 1,000 with Historic Resource Protection overlay HR – Historic Resource Review Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant proposes to construct a new front porch and a new rear porch to the existing historic resource. Also proposed is a new parking area in the front yard to consist of concrete strips near the eastern property line.

Historic Resource Review is required because the proposal is for alterations to a Historic Landmark.

Relevant Approval Criteria:

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

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

ANALYSIS

Site and Vicinity: The subject property is known as the Isaac Lesser Cohen Residence, designed by noted Portland architect Edgar Lazarus in the Queen Anne/Shingle style and built in 1892. Historic records show that the front entrance was previously accessed via a porch which no longer exists, however no other significant alterations, if any, have been documented. NW Irving is a Local Service Street and the property is located within the Northwest Pedestrian District. The property is located about midblock between NW 23rd, the district's primary commercial street, and NW 24th, another Local Service Street. Adjacent properties include apartment buildings and single dwellings, many of which have been converted to multi-dwelling structures, with some one- and two-story commercial buildings located at the ends of the block across Irving.

The Historic Alphabet 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 <u>Residential 1,000</u> (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 <u>Historic Resource Protection</u> 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 April 22, 2015.

The **Bureau of Transportation Engineering** responded, noting that a shared driveway approach with the neighbor to the east will be required, which would require reconstruction of the neighbor's approach. Alternatively, a Design Exception can be requested if a shared approach is not desired. Please see Exhibit E-1 for additional details.

The following Bureaus have responded with no issues or concerns:

- Life Safety Division of BDS
- Water Bureau
- Bureau of Environmental Services
- Site Development Section of BDS
- Bureau of Parks-Forestry Division

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 22, 2015. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

Donald Genasci, on May 13, 2015, wrote, noting that any alterations to the front of the house should match the original. Please see Exhibit F-1 for additional details.

Staff Response: In an email, dated May 18, 2015, from Jean Rychlik, various repositories of historical information are listed as having been researched for the purpose of locating information on the original porch. To date, no definitive information has been located other than Sanborn maps which show two different footprints for a front porch that did not extend the full width of the resource. The maps do not show a rear porch but it is clear that one existed.

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: Historical documents, specifically Sanborn maps, show that this building had a projecting front porch, though the footprint of the former porch appears to change between the years 1901 and 1908. The 1901 porch appears to be relatively square in plan and does not extend the full width of the front façade. The 1909 porch appears to be not as deep as the 1901 porch and extends almost the full width of the front façade; however, the Sanborn footprint of the house in general appears to be less detailed after 1901. At some point the front porch was removed with only steps leading to the recessed porch remaining. Staff does not consider the current configuration to be historically significant. *Therefore, this guideline is not applicable.*

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 2 and 3: The proposal to construct a new front porch will reconstruct a previously existing condition. Although little information is available to verify what the true original condition looked like, there is enough evidence to indicate that the porch did not extend the full width and was most likely constructed of wood with simple square pickets, similar to the porch at 1507 NW 24th Avenue, the Goldsmith House, also designed by Edgar Lazarus in 1898. Because the proposal affects the front façade of this Landmark, minimal differentiation and maximum compatibility is desired. The proposed front porch is appropriately scaled and located on the existing building. The primary material – wood – is compatible with the historic resource. The detailing of the porch, including flared eaves and exposed rafter tails complements the details of the existing building. The proposed rear porch is similarly constructed but with no roof and will not be visible from the street due to dense landscaping along the property line. The proposed parking area will be minimally visual when not parked as only parking strips are proposed, rather than a concrete pad. *These guidelines are 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 subject property lies within the Nob Hill Residential Area of the Northwest Plan District. The desired characteristics and traditions of this area include: preservation of historic structures and acknowledgement of pre-WWII street orientation. The proposal seeks to construct a new front porch, thus restoring the street-oriented character that previously existed on this building and is common on many residential properties in the Alphabet Historic District. The proposal demonstrates the owners investment in the building, thus preservation of the building and its historic character is achieved. *These guidelines are met.*

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

E5. Light, Wind, and Rain. Enhance the comfort of pedestrians by locating and designing buildings and outdoor areas to control the adverse effects of sun, shadow, glare, reflection, wind, and rain.

D4. Parking Areas and Garages. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings for E1, E5, and D4: The proposal to add a new parking on-site space will add an additional curb cut to the street and thus will require increased awareness when the driver is entering or exiting the parking space. However, it will also bring the property closer to conformance, as one parking space is required and the existing condition is non-conforming, per the current zoning regulations. In order to minimize the adverse effects of introducing parking to the front yard, the applicant agreed to provide concrete strips rather than a concrete pad. This will reduce the amount of pavement in the front yard, allowing grass to grow between the strips, which will make for a more pleasant pedestrian experience as it will help reduce the amount of runoff during wet periods and reduce the amount of heat and glare during sunny periods. To ensure that the concrete strips remain minor elements in the yard and that the majority of the parking area is occupied by grass, or other groundcover, staff has incorporated a condition of approval that the concrete strips, whether they are grasscrete or solid concrete, be no more than 2'-0" wide and that there be no more than two strips total.

With the condition of approval that the concrete strips proposed for the parking pad, whether grasscrete or solid concrete, each be no more than 2'-0" wide and that there be no more than two strips total, these guidelines are met.

E3. The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building features, creating effective gathering places, and differentiating street level facades.

D1. Outdoor Areas. When sites are not fully built on, place buildings to create sizable, usable outdoor areas. Design these areas to be accessible, pleasant, and safe. Connect outdoor areas to the circulation system used by pedestrians;

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian-accessible, and transit-oriented.

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 E3, D1, D2, and D5: The guidelines note that front porches on residential buildings contribute to the activity of the street. The proposal includes the reintroduction of a front porch where one previously existed. While the existing condition features a small roof announcing the location of the main entrance, the new porch will be more prominent and inviting. Similar to the existing condition, the new porch will be connected to the sidewalk via a direct path. The new porch will provide additional opportunity for the homeowners to activate this space and interact with the activity on the sidewalk. When in use, this additional active outdoor space will allow more eyes on the street, thus deterring crime. *These guidelines are 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: Despite the applicant's best efforts, little information could be found on the design of the original front porch; however, it is clear, through Sanborn maps, that the building previously featured a much more substantial front porch than currently exists. With no historical information to form a basis of the design, other than an approximate footprint, the applicant has attempted to design a compatible porch. The proposed porch will extend approximately ³/₄ of the way across the front façade, its roof will rise to just below the 2nd floor windows and will feature flared eaves with exposed rafter tails, and the balustrade will feature simple square balusters. The details are simple so as to not detract from the rest of the building, only to complement it and the scale and composition of the front porch is appropriate and complementary to the existing building and its unique forms.

Reconstruction of the front porch restores this lost feature of the building, and reinforces this common feature of the neighborhood. The porches at both the front and the rear will be made of wood, which is the primary material of the existing building.

Staff notes that lattice is shown to be installed beneath the front porch, however is not shown beneath the rear porch. As some sort of barrier will most likely be required to prevent falls to the basement stair below, staff has included a condition of approval that the underside of the rear porch be protected through the installation of lattice beneath the rear porch to match the front porch condition.

With the condition of approval that lattice matching that proposed beneath the front porch shall be installed beneath the rear porch landing and steps, 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 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

Alterations to the front façade of a Historic Landmark requires careful consideration to ensure the character and original intent of the historic building is not compromised. The homeowners researched several repositories for historical documentation of the building but could not find any original drawings or photographs of the original design; however Sanborn maps provide an indication of the previous porch's relative footprint. The proposed porch reintroduces this feature, with respect to the known character-defining features of the building, to ensure compatibility. Likewise, the rear porch is modest, primarily functional, and will not be visible from the street. The proposed parking space brings the property into conformance, but does so with the least impact possible. 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 exterior alterations in the Alphabet Historic District to include:

- Construction of a new front porch and a new rear porch to the existing historic resource; and
- Installation of a new parking area in the front yard to consist of concrete strips near the eastern property line.

This approval is per the approved site plans, Exhibits C-1 through C-9, signed and dated June 22, 2015, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B-C) must be noted on each of the 4 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 15-124676 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The concrete strips proposed for the parking pad, whether grasscrete or solid concrete, shall each be no more than 2'-0" wide and there shall be no more than two strips total.
- C. Lattice matching that proposed beneath the front porch shall be installed beneath the rear porch landing and steps, if required by the Life Safety Division of the Bureau of Development Services.

Staff Planner: Hillary Adam

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on June 22, 2015

By authority of the Director of the Bureau of Development Services

Decision mailed: June 24, 2015

Decision rendered by:

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 25, 2015, and was determined to be complete on April 14, 2015.

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 25, 2015.

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: August 12, 2015.

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 Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed by 4:30 PM on July 8, **2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 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 <u>www.portlandonline.com</u>.

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 Historic 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 Historic 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 July 9, 2015 (the day following the last 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.

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. Approval criteria Response
- 2. Original Drawing Submittal (10 sheets)
- 3. Photos and Details (11 sheets)
- 4. Applicant Response to Incomplete Letter, dated April 1, 2015
- 5. Revised Site Plan with Parking Pad, dated April 12, 2015
- 6. Completeness Response, dated April 13, 2014, received April 14, 2015
- 7. Revised Site Plan with Parking Strips, dated April 12, 2015
- 8. Email from Jean Rychlik, dated May 18, 2015
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Front Elevation (attached)
 - 3. East Elevation (attached)
 - 4. East Elevation additional notes
 - 5. West Elevation
 - 6. Rear Elevation and Rear Porch Plan
 - 7. Front Porch Plan
 - 8. Front Porch Roof Framing Plan and Section
 - 9. Newel Post Section
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
 - 2. Life Safety Division of BDS
 - 3. Water Bureau
- F. Correspondence:
 - 1. Donald Genasci, on May 13, 2015, wrote, noting that any alterations to the front of the house should match the original.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, dated March 27, 2015
 - 3. Memo, dated April 9, 2015
 - 4. National Register Information
 - 5. Sanborn Maps (1901, 1909, 1950)

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).





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