



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

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**Date:** March 19, 2010  
**To:** Interested Person  
**From:** Dave Skilton, Land Use Services 503-823-0660  
dave.skilton@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 10-112033 HDZ - REAR DECK  
REPLACEMENT**

**GENERAL INFORMATION**

**Applicant:** Rachel and Thomas Cody, Owners 503-320-7473  
2359 NW Overton Street  
Portland, OR 97210-2928

**Site Address:** 2359 NW Overton Street

**Legal Description:** BLOCK 1 LOT 11, OVERTON STREET ROWHOMES  
**Tax Account No.:** R634500340  
**State ID No.:** 1N1E33BB 05400  
**Quarter Section:** 2927

**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.  
**Business District:** Nob Hill, contact Kay Wolfe at 503-227-0898.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Zoning:** R1, Residential 1000, with Historic Resource Protection Overlay  
**Case Type:** HDZ, Historic Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Historic Landmarks Commission.

**Proposal:**

The applicant is seeking Historic Design Review approval for a proposal to demolish an existing but non-historic rear yard deck, and construct a new, smaller deck in the same location. Historic Design Review is required because the property was listed in the National Register of Historic Places, as the Captain Herbert Holman House, on February 22, 1991.

**Relevant Approval Criteria:**

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

## ■ 33.846 Historic Reviews

## ■ 33.846.060.G Other Approval Criteria

**ANALYSIS**

**Site and Vicinity:** The Captain Herbert Holman House, listed in the National Register of Historic Places on February 22, 1991, is significant not only for its architectural design by the prominent Portland firm of Whidden & Lewis, but also for its association with Herbert Holman, an important figure in the development of riverboat transportation in Oregon and later a state Senator. The house is a rather exuberant example in the Colonial Revival architectural style owing to the inclusion of some elements more typical of the immediately preceding Queen Anne style. It was very much *a la mode* at the time it was completed in 1898.

The neighborhood immediately around the subject property is highly altered but the house itself is set back sufficiently and occupies a substantial enough parcel to give a taste of the spaciousness the area enjoyed during the period of historic significance. Surrounding development is multi-dwelling units, predominantly in the form of dense, late Twentieth Century, single family attached “rowhouse” structures.

**Zoning: R1 zone.** The R1 zone 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, townhouses, 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.

The Historic Resources Protection Overlay 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 **February 23, 2010**. None of the Bureaus have responded with issues or concerns.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on February 23, 2010. 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, Historic Reviews****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 a designated Historic Landmark. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G.

1.-10. In addition, because the site is located within the Central City Plan District, the relevant approval criteria are the Central City Fundamental Design Guidelines.

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

### **33.846.060 G - Other Approval Criteria**

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

**Findings:** The existing rear deck is a compatible but non-historic feature of the property, and its replacement will not adversely effect the ability of the Historic Landmark to convey its significance. *This criterion is therefore met.*

- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.

**Findings:** At less than fifty years of age, the existing deck is not yet old enough for consideration as a significant historic alteration to the property. *This criterion is therefore met.*

- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

- 9. Preserve the form and integrity of historic resources.** New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

**Findings for 7, 8, and 9:** Like the existing deck, the proposed replacement is sufficiently differentiated from the original by the fact that a deck is a mid-to-late Twentieth Century invention. It is compatible with the historic character of the property by virtue of its rear location, modest size, better details, and integration into the floor plan. If the deck were removed in the future the essential form of the resource would remain intact, because it is simply attached to the house. *These Criteria 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 proposal is straightforward, in-kind replacement of an existing deck at the rear of the property with a new deck in the same footprint. Both the existing deck and the proposed

replacement are compatible with the historic character of the property. The purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposal meets the applicable historic review guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of an exterior alteration, deck replacement, on the Historic Landmark Captain Herbert Holman House;

Approval per Exhibits C-1 through C-2, signed and dated March 17, 2010, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-112033 HDZ. No field changes allowed."

**Staff Planner: Dave Skilton**

**Decision rendered by:**  **on March 17, 2010.**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: March 19, 2010**

**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 17, 2010, and was determined to be complete on **February 18, 2010.**

*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 17, 2010.

*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.

**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 April 2, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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 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](http://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 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 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 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 **April 2, 2010**.
- 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.

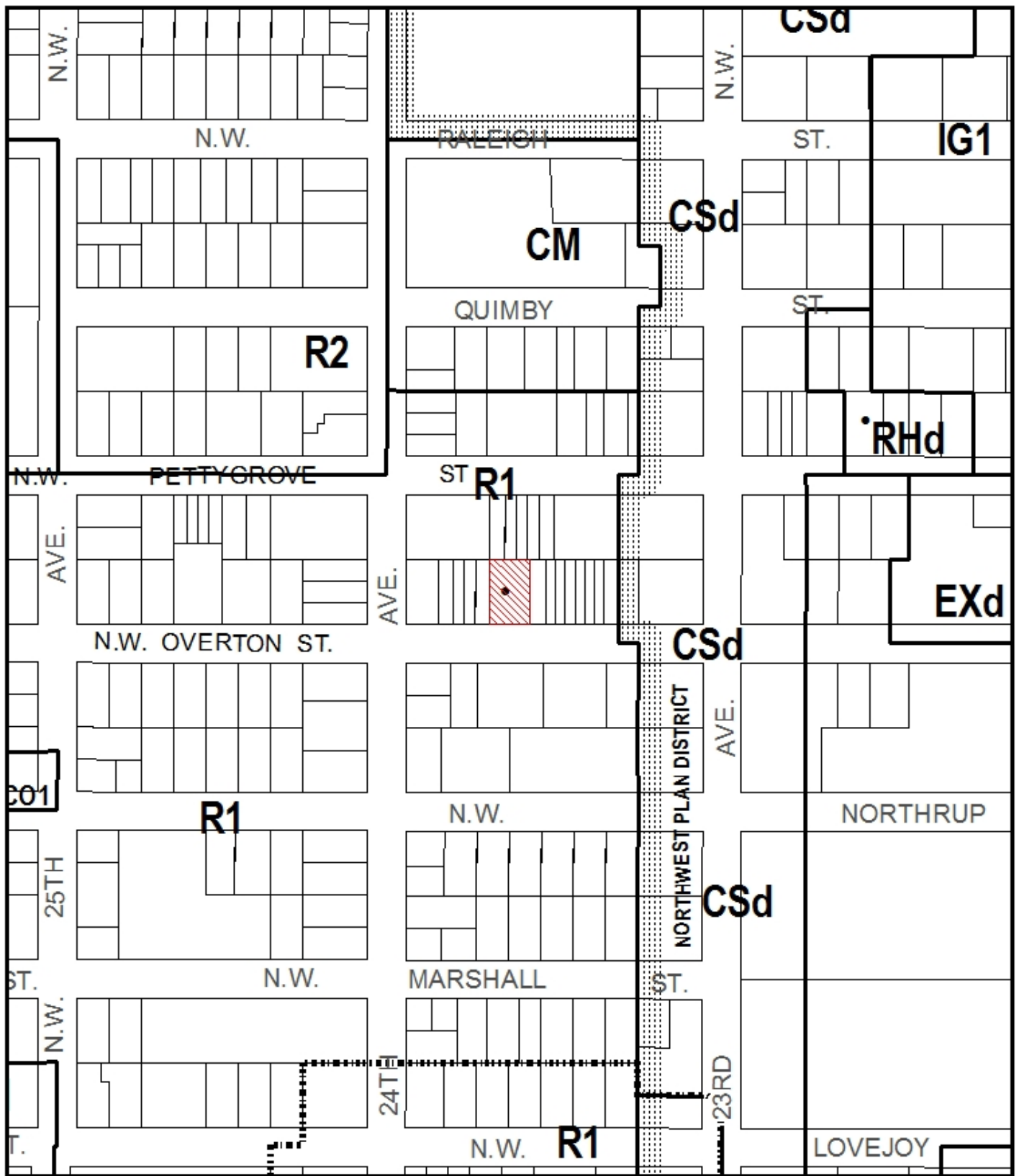
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Deck Plan and Elevations (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
- F. Correspondence: none
- G. Other:
  - 2. Original LU Application
  - 3. Site History Research
  - 4. Case Communication Log

**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



Site



Historic Landmark



NORTH

File No. LU 10-112033 HDZ  
 1/4 Section 2927  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E33BB 5400  
 Exhibit B (Feb 17, 2010)



VICINITY MAP

**LEGEND:**

- [illegible]

## NOTES

[illegible]

NORTH



SCALE

0 5 10 15 20

1 INCH = 10 FEET

## TOPOGRAPHIC SURVEY

2359 NW OVERTON

CITY OF PORTLAND/MULTNOMAH COUNTY/OREGON

DATE:	4/23/06
SCALE:	1"=10'
CORROUS INTERVAL:	1 FOOT
PROJECT NO:	206123
SHEET	1 OF 1

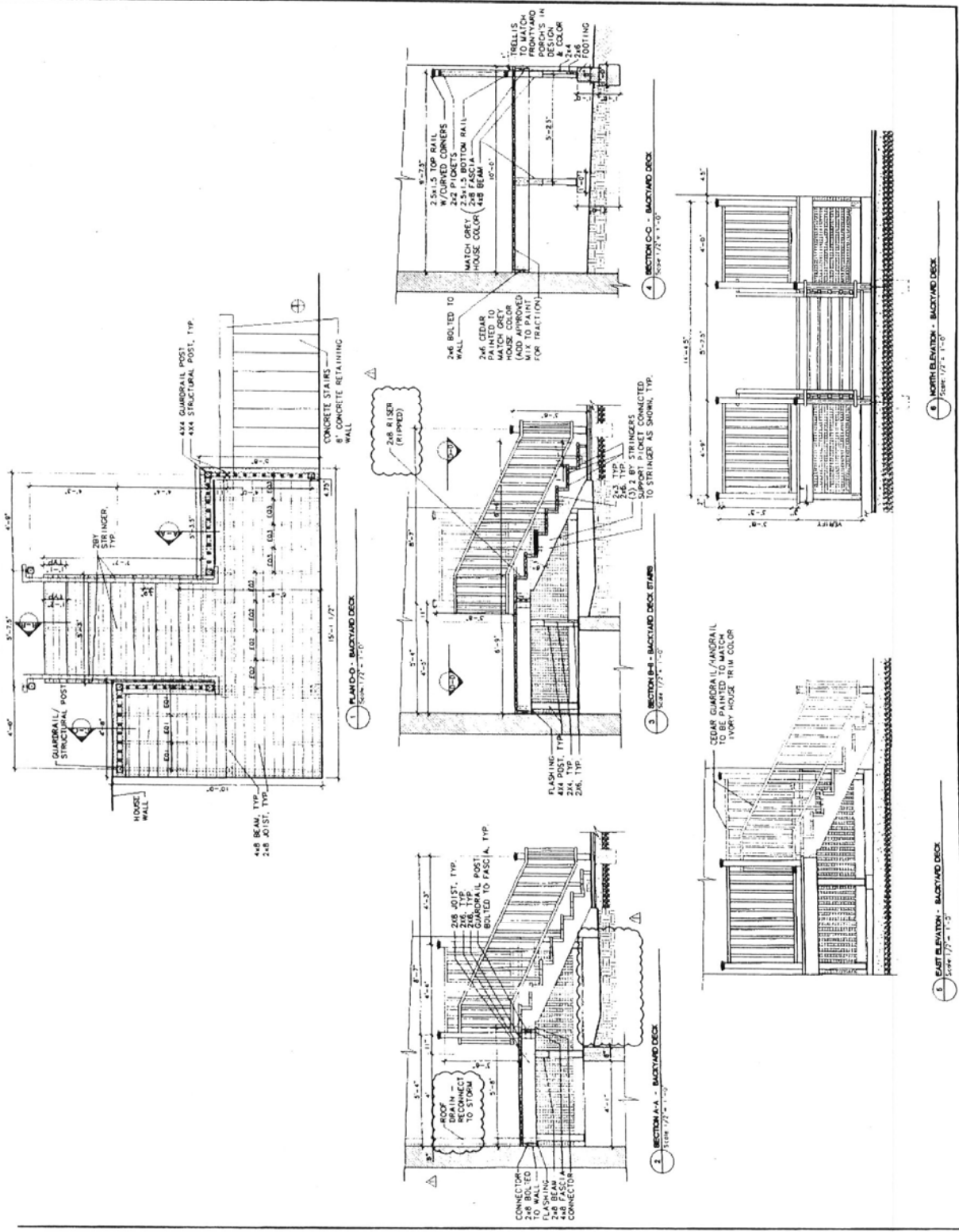
LU10-112033 HPZ  
EXHIBIT C-1

**kpff** Consulting Engineers  
11 SW 4th Avenue, Suite 500 Portland, OR 97204-3028  
(503) 227-3261 Fax (503) 274-4681  
Portland Seattle Los Angeles San Francisco San Diego Phoenix Irvine Wichita

[illegible]

City of Portland - Bureau of Development Services  
Approved: *Dan Smith* Date: *3.17.10*  
This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

Approved  
 City of Portland - Bureau of Development Services  
 Planner *Dave Miller*  
 Date *3.17.10*  
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



LU10-11203 HD 2  
 EXHIBIT C-2