



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: August 6, 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 10-141182 HDZ – DECK AND AWNING REPLACEMENT

GENERAL INFORMATION

Applicant: Paul J Dittman, Owner 503-241-2857
2385 NW Lovejoy St
Portland, OR 97210-3021

Site Address: 2385 NW Lovejoy Street

Legal Description: BLOCK 1 LOT 18, GOLDSMITHS ADD
Tax Account No.: R331300210
State ID No.: 1N1E33BC 13500
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.

Other Designations: Contributing Resource in the Alphabet Historic District, listed in the National Register of Historic Places on November 16, 2000

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 replace an existing, non-historic, wooden deck with a multi-level wood and concrete deck, and replace an existing fabric awning with a new steel-framed, glazed awning. Historic Design Review is required because the proposal is for exterior alterations in a historic district.

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:

- 33.846.060 Historic Design Review
- Community Design Guidelines, Alphabet Historic District Addendum

ANALYSIS

Site and Vicinity: The subject property is a contributing resource within the Alphabet Historic District, a two-and-a-half story Queen Anne style structure originally owned by a Mr. Isaac Van Duyn. The exterior of the house remains largely intact in terms of its historic character although the both front and rear porches have been altered over time.

The Alphabet Historic District is an area of Portland significant for its concentration of intact late 19th and early 20th Century 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, etc. The area is also characterized by a grid work of narrower, tree-lined, residential streets crossed by occasional more robust commercial avenues.

Zoning: The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. 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 Resource Protection chapter 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.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed **July 2, 2010**.

Agency Review: None of the notified Bureaus have responded with issues or concerns.

Neighborhood Review: 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 located within the Alphabet Historic District and the proposal is for exterior alterations. 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]

Historic Alphabet District - Community Design Guidelines Addendum

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 addressed those relevant to this proposal.

Historic Alphabet District Approval Criteria

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: While the proposed awning and rear deck replacements are compatible with the subject property, its neighbors, and the historic district through their appropriate scale, degree of ornamentation, and inconspicuous location, they are also readily identifiable as new construction due to their modern materials and methods. *These guidelines are therefore met.*

Community Design Guidelines

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.

D3. Landscape Features. Enhance site and building design through appropriate placement, scale, and variety of landscape features.

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.

Findings for P2, D3, and D7: The proposed replacement deck and awning are detailed at a fine scale, which is also a characteristic of the Queen Anne style house they will be associated with. When considered with the fact that these landscape features are mostly out of view in a rear yard well screened by plantings, these characteristics help them to reinforce and blend in with the surroundings of the historic district. *These guidelines are therefore met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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, to replace existing deck and awning elements in the back yard with new, more permanent structures, will not significantly alter the character of the property or the historic district. The purpose of the Historic Design 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 Design Review guidelines and therefore warrants approval.

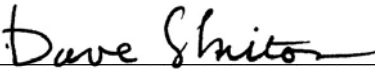
ADMINISTRATIVE DECISION

Approval of rear deck and awning replacement on a contributing resource in the Alphabet Historic District;

Approval per Exhibits C-1 through C-6, signed and dated August 3, 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-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-141182 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on August 2, 2010.**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 6, 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 May 26, 2010, and was determined to be complete on **June 29, 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 May 26, 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 August 20, 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.

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 **August 23, 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:

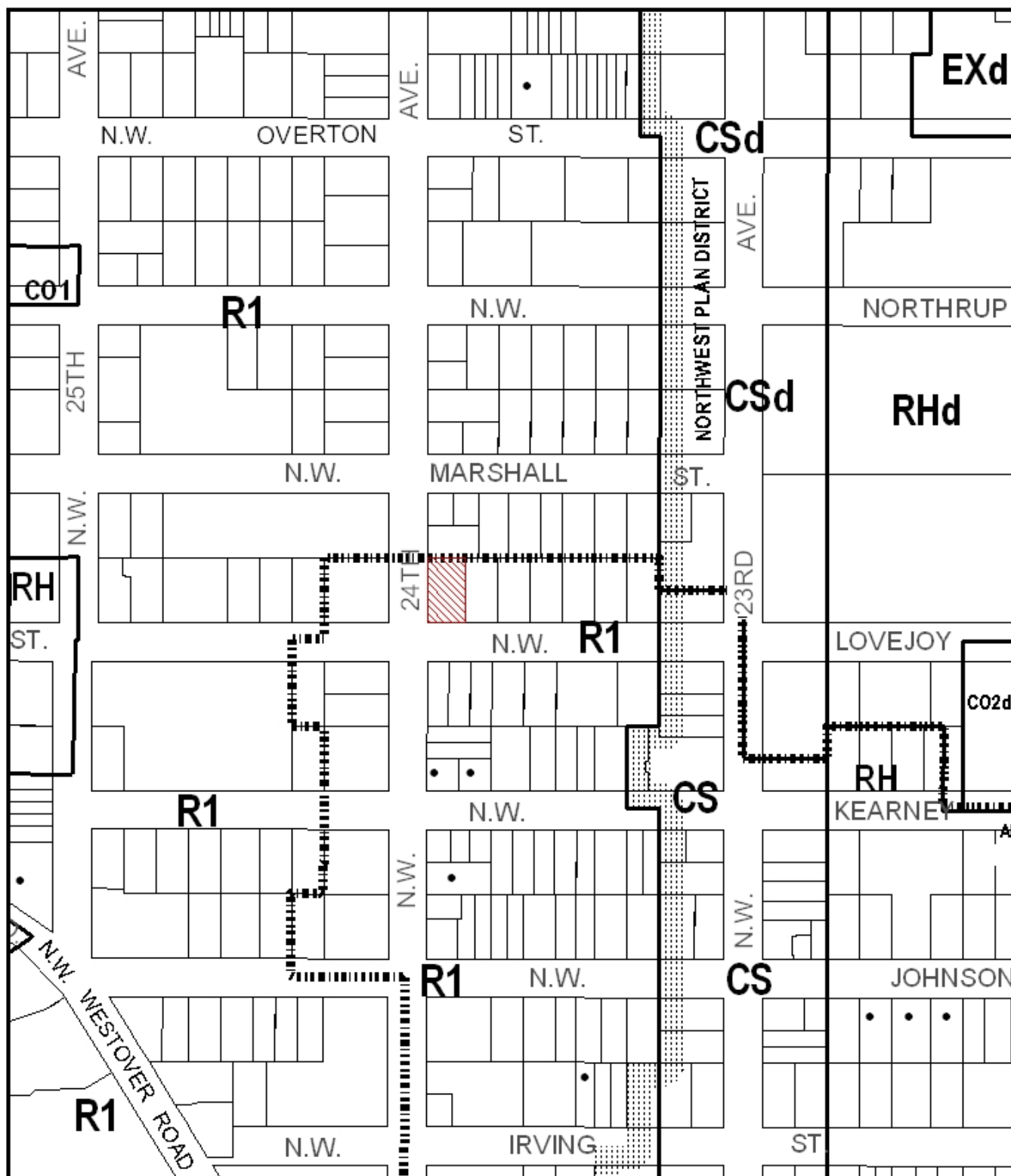
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Drawings:
 - 1. Site Plan (attached)
 - 2. Deck Plan and Elevations
 - 3. Sections
 - 4. Details
 - 5. Axonometric Views (attached)
 - 6. Awning and Railing Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Life Safety Review Section 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. 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 10-141182 HDZ
1/4 Section	2927
Scale	1 inch = 200 feet
State_Id	1N1E33BC 13500
Exhibit	B (May 27, 2010)

PROJECT DATA

PROJECT SCOPE

RENOVATE BACK YARD CONSISTING OF REMOVAL OF EXISTING WOOD DECK, WOOD FENCE AND HOT TUB. NEW WOOD DECK, WOOD FENCE, WOOD FENCE, NEW WOOD FENCE, PAVEMENT PAVING PATIO AND PLANTING TO BE RENOVATED BY OWNER.

LOCATION: 1171329
 TAX LOT: 13500
 ZONING: 2927
 COUNTY: MULTNOMAH

TOTAL LOT SIZE: 6000 S.F.
 EXISTING IMPERVIOUS AREA: 176 S.F.
 PROPOSED IMPERVIOUS AREA: 236.5

PROJECT TEAM

OWNER: PAUL DITTMAN
 2385 NW LOVEJOY ST.
 PORTLAND, OREGON 97201

DESIGNER: BOB MARSHALL, LANDSCAPE ARCHITECT (K333)
 MARSHALL GARDENS
 5775 JEAN RD.
 LAKE OSWEGO, OREGON 97035
 (503) 944-9970

GENERAL CONTRACTOR: DALE JONES (CC8 62514)
 (503) 686-3025

STRUCTURAL ENGINEER: JEREMY WILLIAMS

GENERAL NOTES

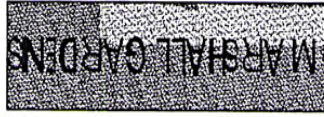
1. STRUCTURAL DRAWINGS, SPECIFICATIONS AND CALCULATIONS TAKE PRECEDENCE OVER ALL OTHER DRAWINGS AND SPECIFICATIONS. CONTACT THE DESIGNER IN CASE OF DISCREPANCIES BEFORE PROCEEDING.
2. CONTRACTOR SHALL PROVIDE ALL MATERIALS AND MEANS TO CONSTRUCT A WELL BUILT, DECK AND PATIO CONSISTENT WITH THE INTENT OF THE DRAWINGS AND WITH STANDARD INDUSTRY PRACTICE.
3. ALL WORK SHALL CONFORM TO ALL APPLICABLE FEDERAL, STATE AND LOCAL CODE, ORDINANCES AND REGULATIONS, INCLUDING OBTAINING NECESSARY PERMITS AND INSPECTIONS.
4. CONTRACTOR SHALL THOROUGHLY REVIEW SITE AND DRAWINGS. CONTRACTOR TO BE RESPONSIBLE FOR ANY APPARENT CONFLICTS, DISCREPANCIES OR OMISSIONS BEFORE PROCEEDING.
5. CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR PUBLIC AND WORKER SAFETY ON THE SITE AND SHALL MAINTAIN SAFE CONDITIONS AT ALL TIMES. NO SMOKING IS PERMITTED ON THE SITE.
6. CONTRACTOR TO MINIMIZE DAMAGE TO EXISTING AREAS TO REMAIN INCLUDING EXISTING PAVEMENT, LANDSCAPING, IRRIGATION AND OTHER EXTERIOR UTILITIES. CONTRACTOR SHALL TAKE CARE TO NOT DAMAGE TREE ROOTS WHERE EVER PRACTICABLE. WHERE EXISTING AREAS ARE TO BE REMOVED, CONTRACTOR SHALL REMOVE ALL ROOTS LARGER THAN 4 INCHES ARE ENCOUNTERED. CONTACT LANDSCAPE ARCHITECT.
7. MATERIALS TO BE RECYCLED AND RE-USED WHERE EVER POSSIBLE. MINIMIZE WOOD AND OTHER WASTE BY WORKING RESOURCEFULLY.
8. CONTRACTOR SHALL NOT ALLOW MUD OR SEDIMENT LACED WATER OFF SITE, WHERE PERMITTED. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING EXISTING AREAS AND REMOVE MATERIAL, WASHING MUD, DIRT OR OTHER DEBRIS INTO STORM DRAINS IS NOT PERMITTED.
9. CONTRACTOR SHALL MONITOR WEATHER AND BE PREPARED TO COVER DISTURBED SOILS IN THE EVENT OF RAINFALL.
10. FIELD MEASURE AND VERIFY ALL DIMENSIONS. NOTIFY DESIGNER OF ANY DISCREPANCIES PRIOR TO PROCEEDING WITH ANY AREAS IN QUESTION.

INDEX OF DRAWINGS

- L-1 PROJECT NOTES, LOCATION MAP, VICINITY MAP
- L-2 DECK/PATIO PLAN, DECK/PATIO DIMENSIONING PLAN, GRADING PLAN AND ELEVATIONS
- L-3 PROJECT CROSS SECTIONS
- L-4 CONSTRUCTION DETAILS
- L-5 RENDERED MODELS

Approved*
 City of Portland - Bureau of Development Services
 Planner: *Dave Shiller*
 Date: 8.2.10
 * This approval is subject to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXHIBIT C-1
 LU 10.141182 HDZ



5775 JEAN RD. LAKE OSWEGO,
 OREGON 97037 - (503)944-9970

PAUL DITTMAN RESIDENCE
 2385 NW LOVEJOY
 PORTLAND, OR 97201

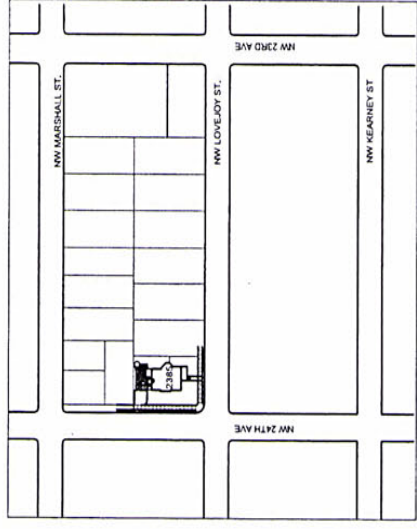


COVER SHEET

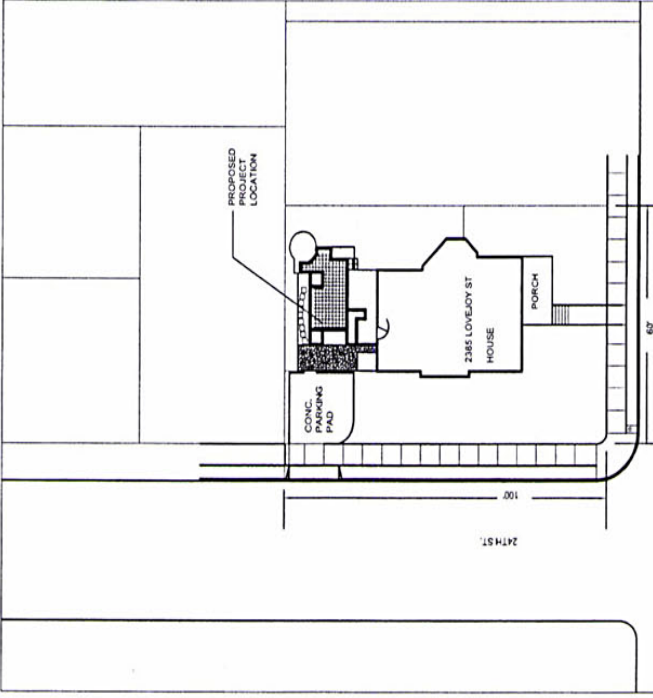
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Sheet

L-1



NORTH
 VICINITY MAP
 Scale: 1"=100'



NORTH

LOCATION MAP
 Scale: 1" = 20'

MODEL VIEWS

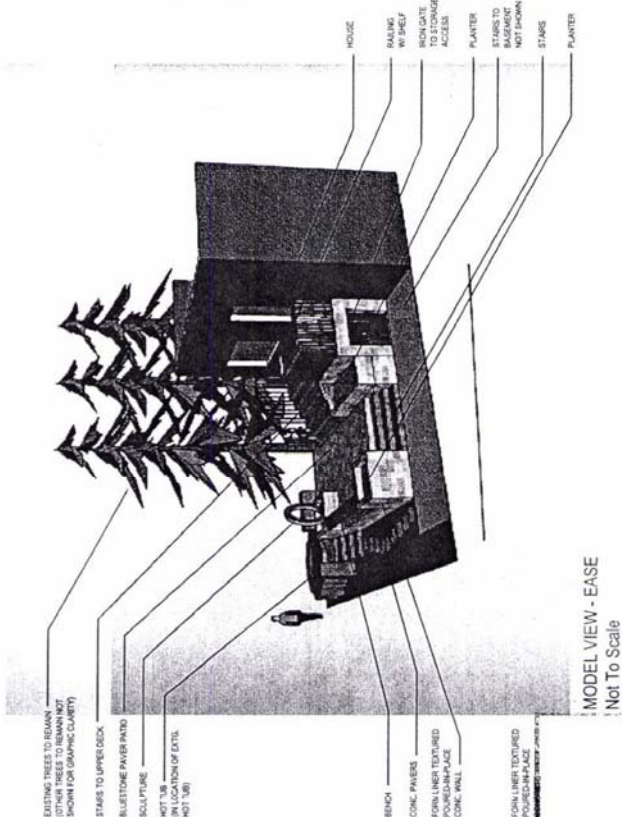
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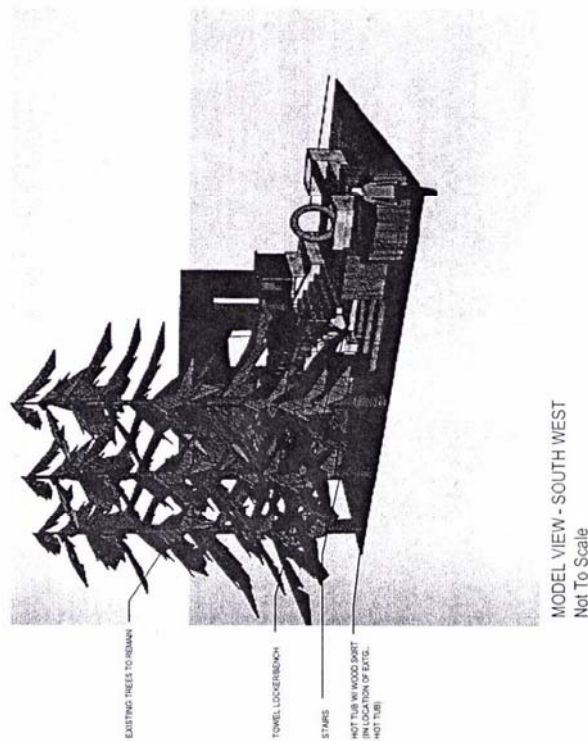
L-5



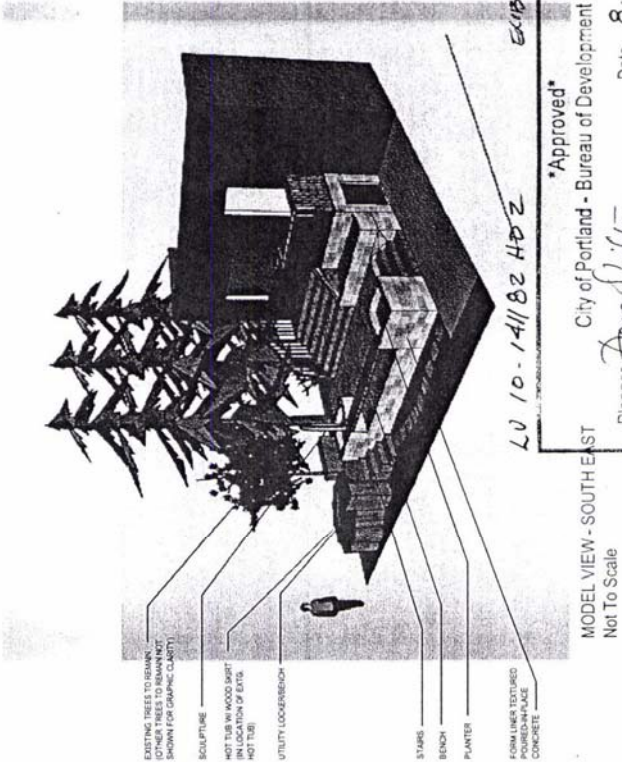
MODEL VIEW - SOUTH
Not To Scale



MODEL VIEW - EAST
Not To Scale



MODEL VIEW - SOUTH WEST
Not To Scale



MODEL VIEW - SOUTH EAST
Not To Scale

LU 10-141182 HDZ EXHIBIT C-5
"Approved"
City of Portland - Bureau of Development Services
Planner *Dana Sullivan* Date 8.2.10
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.