



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
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TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: October 14, 2011
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Chris.Caruso@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 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 11-146980 HDZ 2401 NW JOHNSON REMODEL

GENERAL INFORMATION

Applicant: Dale Hardesty/Rare Quality Inc.
7140 SW Oleson Rd., Ste 241/Portland, OR 97223

Owner: 2401 NW Johnson LLC
6312 SW Capital Hwy #505/Portland, OR 97239

Site Address: 2401-2423 NW JOHNSON ST

Legal Description: BLOCK 4 LOT 3&4, KINGS 2ND ADD
Tax Account No.: R452300800
State ID No.: 1N1E33BC 16200
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: Alphabet Historic District
Zoning: R1, Multi-Family Residential
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 improvements to a non-contributing resource, 1950's multi-family apartment building at 2401 NW Johnson Street in the Alphabet Historic District. The improvements include the following:

- Wood two-over-two double-hung windows to replace all the existing vinyl windows;
- Asphalt shingle roofing;
- Wood lap siding repairs as required with matching material;
- Black painted metal handrail at central entry stairs;
- Colonial Revival pediment above central entry door; and

- Interior courtyard and perimeter landscaping with aggregate pedestrian pathways.

Historic Design Review is required because the property is within the Alphabet Historic District, which was listed in the National Register of Historic Places on November 16, 2000.

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
- Community Design Guidelines
- Alphabet District Design Guidelines

ANALYSIS

Site and Vicinity: The 10,000 SF site contains a non-contributing 1950's apartment complex within the boundary of the Alphabet Historic District. It features a large central courtyard, parking garages against the street edge and an exterior circulation system. The structure is two stories in height, done in a Colonial Revival style with gable roofs, wood siding, and brick accent walls. It has been renovated in the past with the insertion of vinyl windows, and the removal of the original pediment entry and landscaped courtyard. NW 24th Avenue is designated a City Bikeway, and NW Johnson Street is designated a Local Service Bikeway. The site is also located in the Northwest Pedestrian District.

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 larger scale apartment and institutional buildings. Many of these are in various Period Revival styles, e.g. Tudor, Spanish Colonial, Byzantine, etc. The area is also characterized by narrower tree-lined streets crossed by occasional more robust commercial avenues.

Zoning: The Residential 1,000 (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 proposed residential use is allowed in this zone.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

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 **September 19, 2011**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Fire Bureau

- Bureau of Parks-Forestry Division
- Site Development Section of BDS
- Water Bureau (Exhibit E-1)
- Life Safety Review Section of BDS (Exhibit E-2)
- Bureau of Transportation Engineering (Exhibit E-3)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 19, 2011. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Bonnie Schimschock, September 28, 2011 – in favor of the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Design Review

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 a non-exempt treatment. Therefore Historic Design 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: Although the subject property is largely intact as built, it is considered non-contributing to the historic character of the district by virtue of having been altered over time and being designed in a distinctly contrasting style. This means that the building itself is viewed as an alteration of the listed resource, the Alphabet Historic District, but not as one that has achieved or is likely to achieve significance in its own right. The proposal is to return the building and site back to its original design with the introduction of replicated wood windows, new courtyard landscaping, and a new entry pediment that matches the original. This makes the resource more compatible with district character by returning it to its original look and removing non-historic elements. *This Guideline is therefore met.*

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.

Findings: As noted, the structure is more modern in character and does not, by virtue of its age and style, contribute to the historic district. The proposed alterations cannot therefore affect historic fabric, and the focus is on improvement of composition and material quality. Two aspects of the proposed treatment are effective in this regard: the addition of the entry pediment, the removal of vinyl windows, and replanting the central courtyard. *This Guideline is therefore met.*

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: The principle alterations proposed are new, two-over-two wood windows, new asphalt shingle roofing, new perimeter and courtyard landscaping, new metal entry stair handrail, and a new central entry pediment. The wood windows, roofing, landscaping, and pediment replicate the original design and relate well to the Colonial Revival style of the building. The landscaped courtyard and perimeter relates well to other apartment buildings in the area with similar plantings within the historic district. *This Guideline is 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.

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 & D7: The character of the Alphabet Historic District is defined by a concentration of late nineteenth and early twentieth century houses interspersed with larger but still moderately sized commercial, institutional, and apartment buildings. The neighborhood is also rich with mature trees and plantings, both in the right-of-way and on private property. Individual historic resources in the district tend to have abundant and varied finer-scale surface details. In its current configuration, the subject property maintains this finer scale of surface detail with a consistent pattern of lap siding and brick plus trim around each window. Landscaping of the central courtyard and some areas around the perimeter of the site will also improve the way in which the complex fits into its historic surroundings by providing lush plantings and trees. *These Guidelines are therefore 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.

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.

Findings for E1 & E3: The existing site's perimeter walkways are being maintained with this proposal and they allow access around the entire site. The landscaped courtyard also provides multiple paved walkways that allow access to each unit as well as to the interior of the garden areas. Two long planters are located between the building ends and NW Johnson Street and will be filled in with additional landscaping, differentiating this street level facade from the rest of the building. *These guidelines are therefore met.*

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.

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;

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

Findings for E5, D1 & D3: The new landscaping in the courtyard and around the building perimeter will provide areas of shade and weather protection by the use of a number of trees. Renovating the courtyard with new landscaping, water features, and paved pathways creates a pleasant green space for use by residents and guests. The site is significantly enhanced by the new plantings and fountain in what is currently a barren, paved area. The courtyard is directly linked to the public sidewalks which in turn link to the perimeter building walkways and garages. Additional landscaping is provided along both street frontages and will help soften the experience for pedestrians of the building which is up against the street. *These guidelines are therefore met.*

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: Light fixtures for nighttime security are provided above each front and rear unit entry. All existing window openings will remain, filled in with new wood windows, allowing for continued views of the street from units on all sides of the building. *This guideline is therefore met.*

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

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.

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 D2, D6 & D8: Each unit's original flat canopy above its entrance will remain in place, and the main central entrance that faces NW Johnson Street will be refitted with a Colonial Revival style pediment that replicates the original. This pediment will be prominent and visible from the street. The proposed new wood windows, pediment, asphalt shingles, metal central stair handrail, and landscaping features reestablish the building's original architectural design, and are in keeping with its character. Selected materials include wood for the window frames and pediment, metal for the railing, asphalt shingles for the roofing, and concrete and gravel for the courtyard paving, all of which match original materials on the building and are of a long-lasting quality. *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 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 to update this non-contributing 1950's apartment building within the Alphabet Historic District will improve its visual aesthetic by returning the building back to its original design. The changes are also compatible with the character of the neighborhood and do not create any false sense of history. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

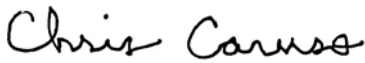
Approval of historic design review for improvements to a non-contributing resource, 1950's multi-family apartment building at 2401 NW Johnson Street in the Alphet Historic District that includes the following:

- Wood two-over-two double-hung windows to replace all the existing vinyl windows;
- Asphalt shingle roofing;
- Wood lap siding repairs, as required, with matching material;
- Black painted metal handrail at central entry stairs;
- Colonial Revival style pediment above central entry door; and
- Interior courtyard and perimeter landscaping with aggregate pedestrian pathways.

Approved per the approved site plans, Exhibits C-1 through C-7 signed and dated October 11, 2011, subject to the following conditions:

- 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-C.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-146980 HDZ. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by:  **on October 11, 2011.**
By authority of the Director of the Bureau of Development Services

Decision mailed: October 14, 2011

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 June 9, 2011, and was determined to be complete on **September 14, 2011**.

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 June 9, 2011.

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: January 12, 2012.**

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 October 28, 2011** 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. 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 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 **October 31, 2011 – (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.

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:

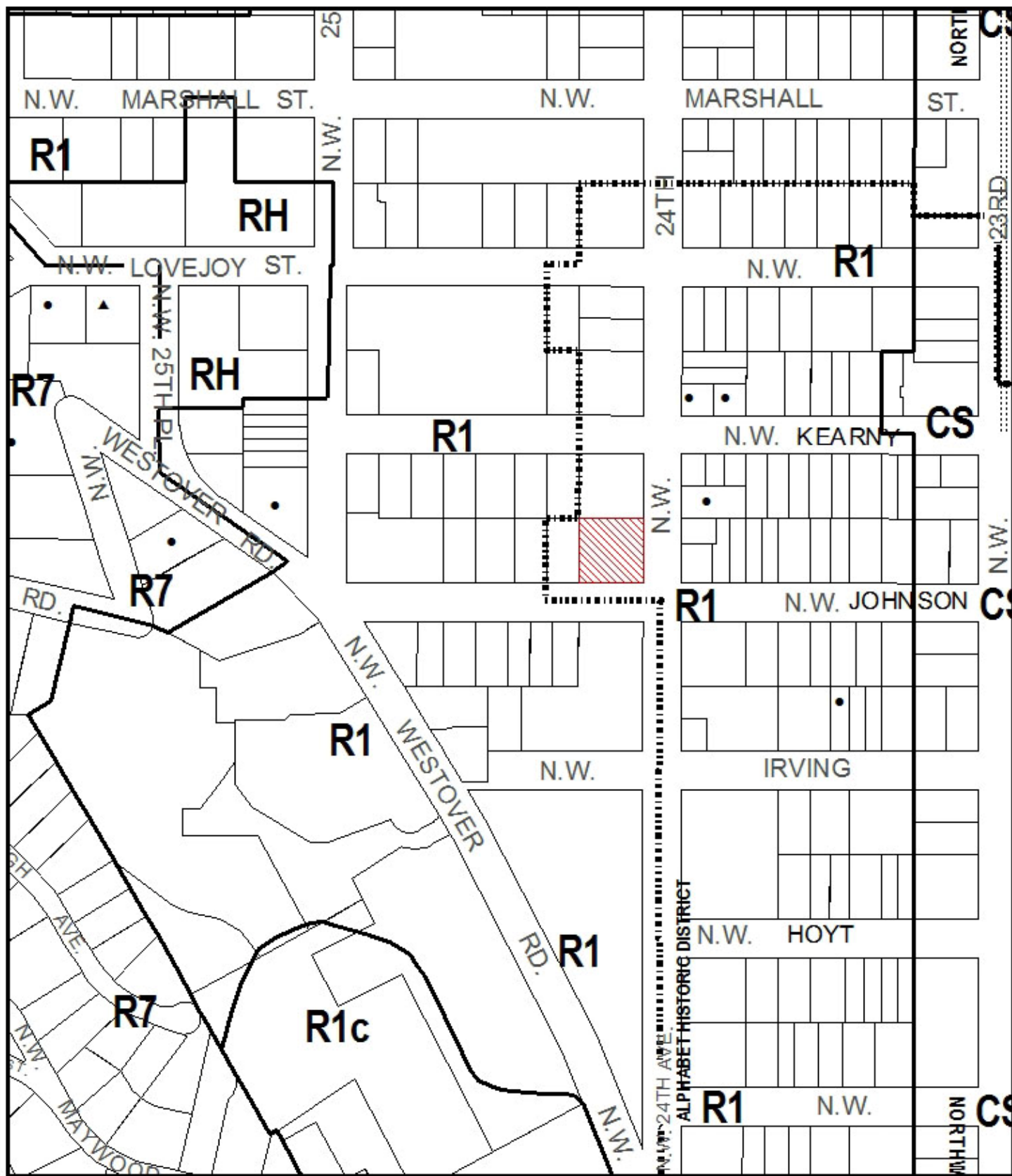
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing Elevations
 - 3. Proposed Elevations (attached)
 - 4. Pediment Details
 - 5. Railing Image
 - 6. Plant List
 - 7. Landscape Plan (full-size)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Life Safety Review Section of BDS
 - 3. Bureau of Transportation Engineering and Development Review
- F. Correspondence:
 - 1. Bonnie Schimschock, September 28, 2011 – in favor of the proposal.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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

This site lies within the:
ALPHABET HISTORIC DISTRICT

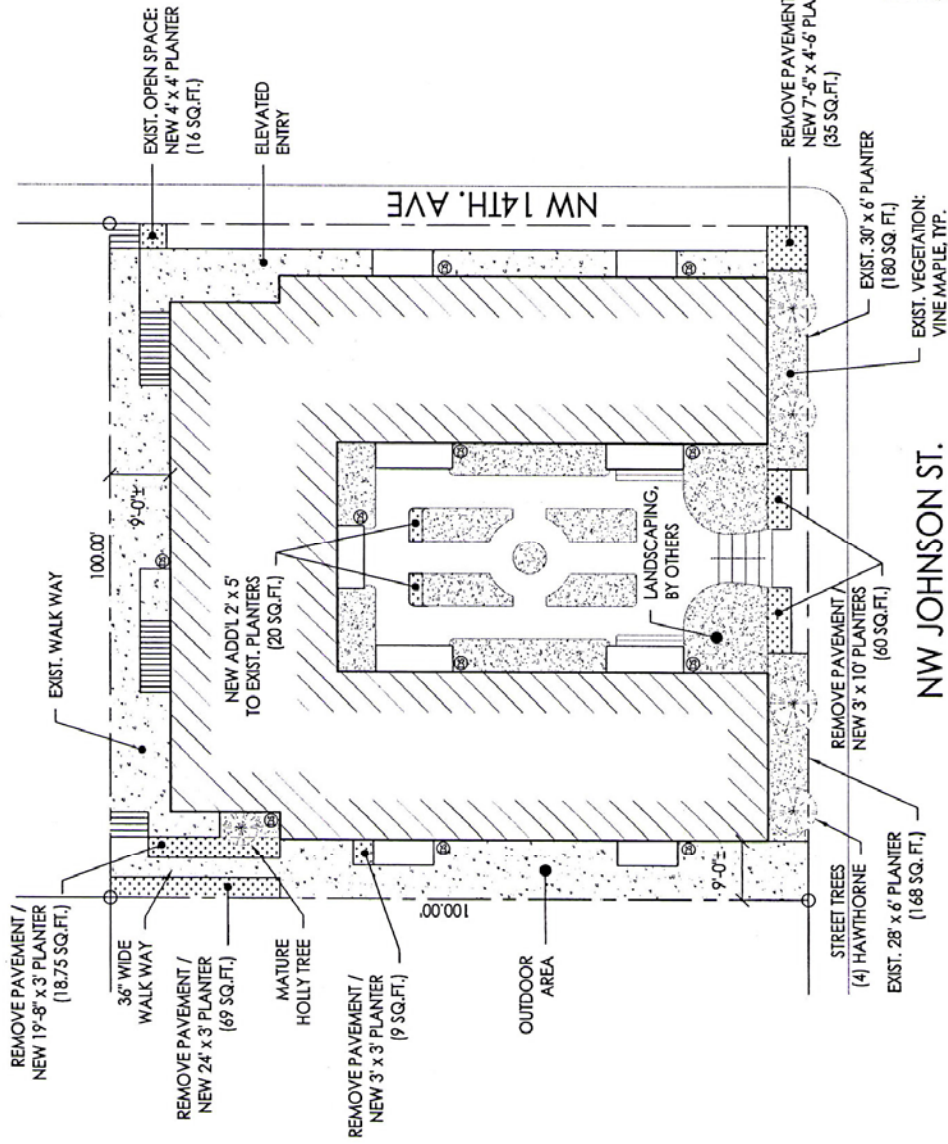
File No. LU 11-146980 HDZ

1/4 Section 2927

Scale 1 inch = 200 feet

State_Id 1N1E33BC 16200

Exhibit B (Jun 16, 2011)



PLAN NOTES:

1. NO GROUND LEVEL EQUIPMENT.
2. NO EXISTING BIKE PARKING.
3. PROPOSED ADDITIONAL LANDSCAPING AREA 375 SQ. FT.

Approved
 City of Portland - Bureau of Development Services
 Planner *[Signature]* Date *10/11/11*
 * 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 *[Signature]* Date *10/11/11*
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



1 SITE PLAN

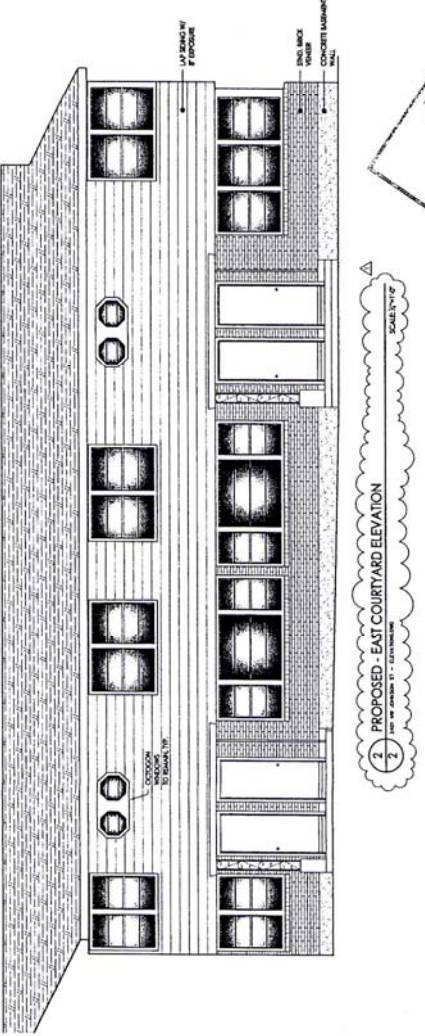
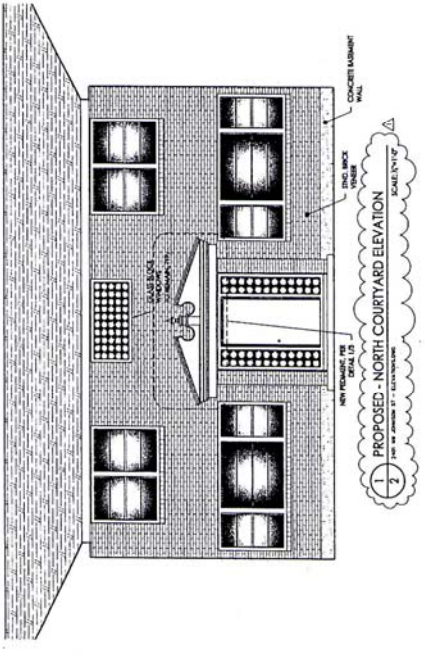
2401 NW JOHNSON ST - SITE.DWG

SCALE: 1"=20'-0"

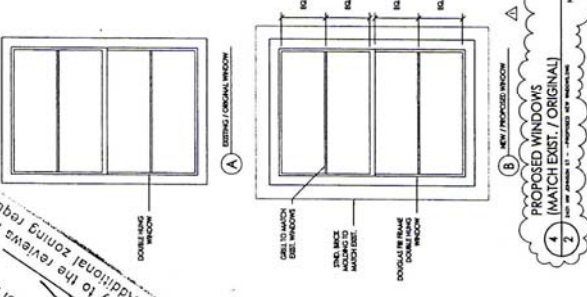
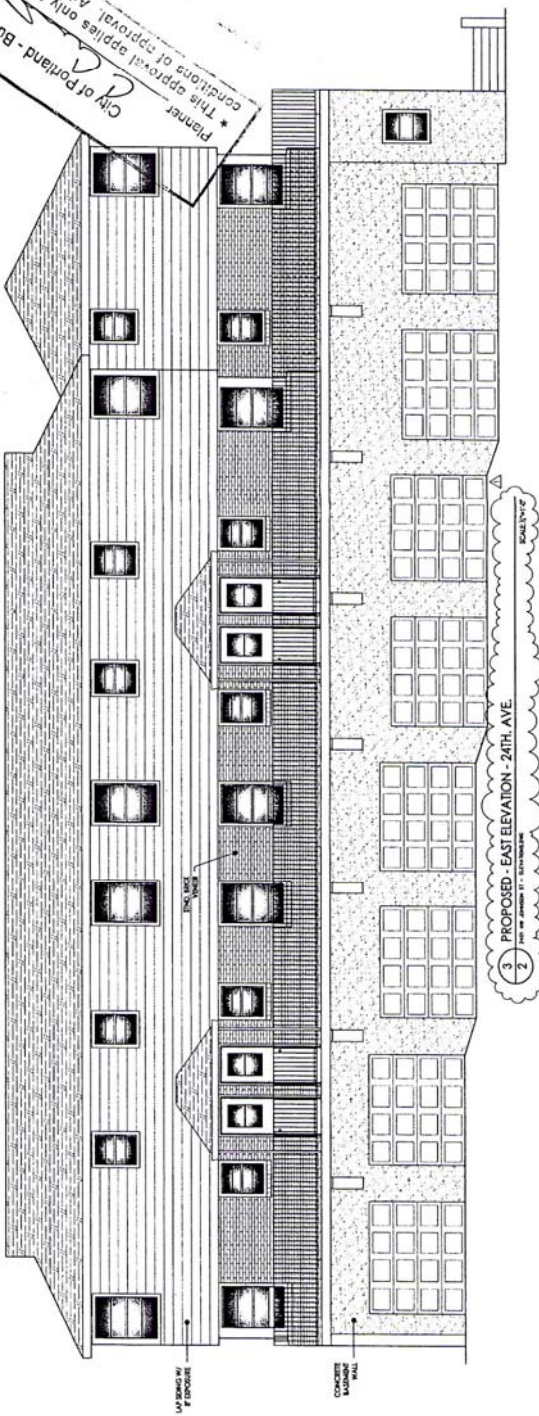
PROJECT:		JOB No.	11093
WINDOW REPLACEMENT		DRAWN	CHECKED
2401 NW JOHNSON ST. PORTLAND, OREGON		DLM	
		DATE	09.12.2011
		SHEET	1 OF 1

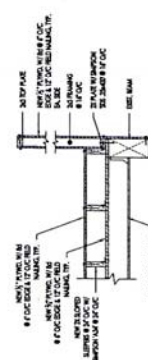
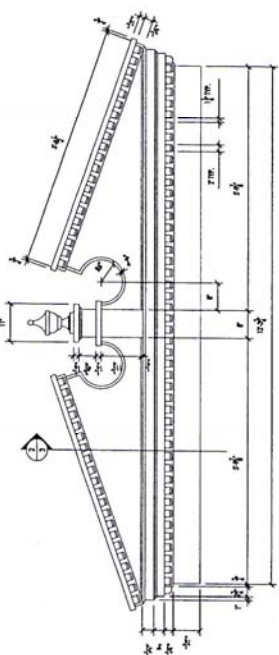
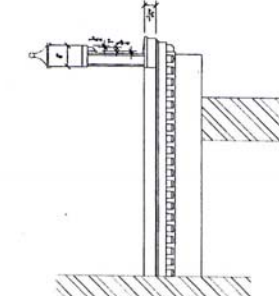
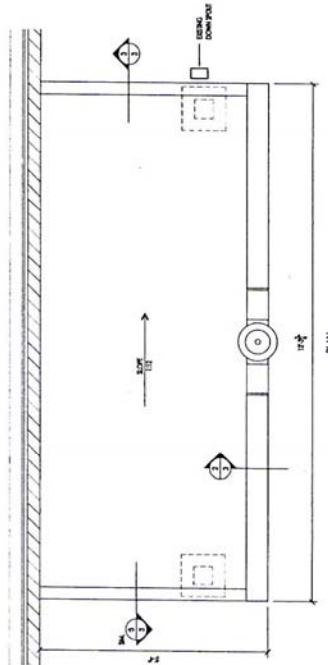
H HAYDEN
 Consulting Engineers
 STRUCTURAL ENGINEERING
 12480 SW 68th. Ave., Tigard, Oregon 97223
 Phone: (503) 968-9994 / Fax: (503) 968-8444
 WWW.HAYDEN-ENGINEERS.COM

EX4.C-1



City of Portland - Bureau of Development Services
 Approved*
 Date 10/11/11
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.





1 ELEVATION
3

SECTION

2 **3**

References

NO

SECTION 3

SCALE 100% OF

Technical drawing of a roof truss section. The drawing shows a cross-section of a roof structure with various components labeled with dimensions:

- NEW 2x10 LVL**: Label pointing to the main horizontal support beam.
- ONE 7/8" X 6" CLAMP BOLT SPACED @ 3' O.C. END TO END**: Label pointing to the bolt connecting the main beam to the vertical post.
- 2x10 PLATE W/ 2 HOLE**: Label pointing to the plate at the top joint.
- 2x10 JOIST @ 16" O.C.**: Label pointing to the horizontal joist above the main beam.
- ROOF PLYING W/ 18" F.O.C. BEGS @ 12" O.C. AND NAILING 1M**: Label pointing to the roof plying material.

Approved

Planner Date 10/11/11
City of Portland - Bureau of Development Services
* Approved *
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.