



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Land Use Services**  
FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** March 21, 2013  
**To:** Interested Person  
**From:** Dave Skilton, Land Use Services  
503-823-0660 / [Dave.Skilton@portlandoregon.gov](mailto:Dave.Skilton@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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. 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 13-108531 HDZ - NEW WINDOWS, DECK, BASEMENT EGRESS WINDOW, AND SKYLIGHT**

#### **GENERAL INFORMATION**

**Owner:** Susanne and James Varnado  
2332 NW Johnson Street / Portland, OR 97210-3232

**Representative:** Mark Hereford / Hereford Construction Company Inc  
7625 SW Canyon Lane / Portland, OR 97225

**Site Address:** 2332 NW Johnson Street

**Legal Description:** BLOCK 7 E 40' OF LOT 7, KINGS 2ND ADD  
**Tax Account No.:** R452301250  
**State ID No.:** 1N1E33BC 07400  
**Quarter Section:** 2927  
**Neighborhood:** Northwest District, contact John Bradley at 503-313-7574.  
**Business District:** Nob Hill, contact Mike Conklin at 503-226-6126.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.  
**Other Designations:** Contributing resource in the Alphabet Historic District, which was listed in the National Register of Historic Places on August 24, 2000.

**Zoning:** R1, Multi Dwelling 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:

- install two new wood windows toward the rear of the west face of the building;
- install a new wood skylight on the west slope of the roof toward the rear of the building;
- replace an existing deck in the rear yard with a new, larger deck; and
- install a new, below grade, vinyl, basement egress window at the rear of the building.

Historic Design Review is required because the proposal is for non-exempt exterior alterations in a historic district.

**Approval Criteria:**

In order to be approved, this proposal must comply with the criteria specified in the Zoning Code (Title 33 of the Portland City Code). The applicable criteria are:

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

**ANALYSIS**

**Site and Vicinity:** The subject property is a two-and-a-half story, Craftsman Style house, built in 1900 and originally owned by an individual named Sophie Barman. It is evaluated as "contributing" in the National Register of Historic Places documentation for the Alphabet Historic District.

The Alphabet Historic District is an area of Portland significant for its concentration of intact late 19<sup>th</sup> and early 20<sup>th</sup> 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, including H1, 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 no prior land use reviews for this property.

**Public Notice:** A "Notice of Proposal in Your Neighborhood" was mailed February 15, 2013.

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

**Neighborhood Review:** No written responses have been received from either the Neighborhood Association or notified parties in response to 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.
- 2. Differentiate New from Old.** New additions, exterior alterations, or related new construction will retain historic materials that characterize a property to the extent practicable. Replacement materials should be reasonable facsimiles of the historic materials they replace. The design of new construction will be compatible with the historic qualities of the district as identified in the Historic Context Statement.
- 3. Hierarchy of Compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a historic or conservation district, with the rest of the District. Where practical, compatibility will be pursued on all three levels. New development will seek to incorporate design themes characteristic of similar buildings in the Historic Alphabet District.

**Findings for 1, 2, and 3:** No historic changes will be affected by the proposed alterations. In the context of a residential historic district the rear yard of an individual house is not generally considered to be a significant or character-defining space, and that is the case in this instance because the rear yard is out of public view. This gives leeway to approve alterations at the rear which would be considered damaging to historic character if executed at the front. The proposed deck and basement egress window well fall into this category. The proposed skylight is approvable for a similar reason because, although it is uncharacteristic of the historic period, it would be toward the rear of the house and not readily visible from the public right-of-way. New windows are proposed in a large area of wall without fenestration which probably did include windows in the past. Their profile matches the existing historic windows and they align vertically, but they are discernibly modern on close inspection because of their materials. *These guidelines are 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.

**Findings:** The proposed alterations serve to "enhance" the identity of the Alphabet Historic District because their design incorporates traditional materials, assemblies, and installation, and makes minimal intrusion on the districts visual character. *This guideline is 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 meets the applicable Historic Design Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of exterior alterations to a contributing resource in the Alphabet Historic District;

Approval is per Exhibits C-1 through C-6, signed and dated March 18, 2013, 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 13-108531 HDZ. No field changes allowed."

**Staff Planner: Dave Skilton**

Decision rendered by:  on March 18, 2013.

By authority of the Director of the Bureau of Development Services

**Decision mailed: March 21, 2013**

**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 January 24, 2013, and was determined to be complete on **February 12, 2013**.

*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 January 24, 2013.

*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 4, 2013** 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](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 5, 2013**.
- 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:

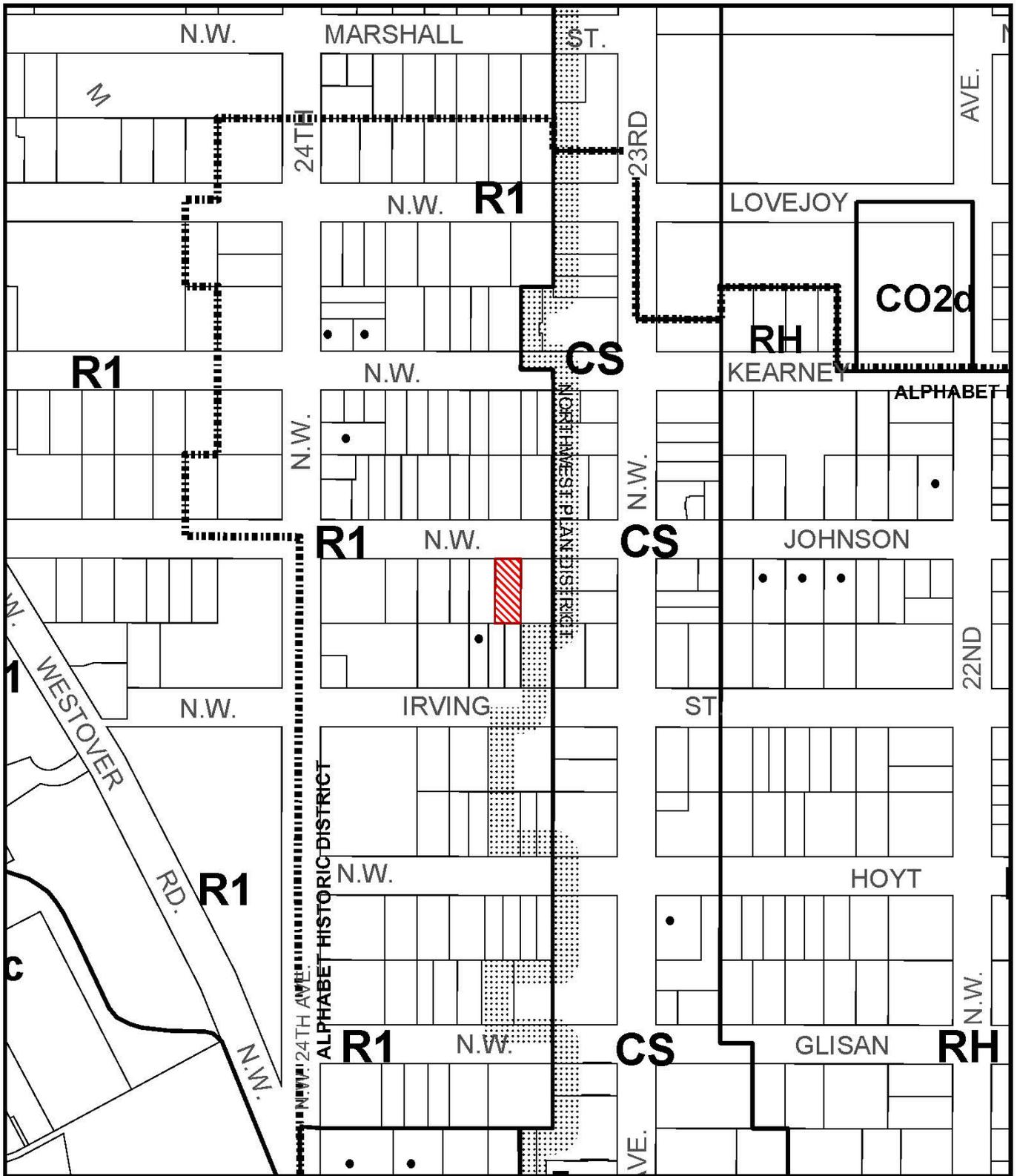
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. West, North, and South Elevations (attached)
  - 3. Rear Deck and Window Well Plan
  - 4. Window Well Section
  - 5. Existing/Proposed Window Section
  - 6. Window and Skylight Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life Safety Review Section of BDS
- F. Correspondence: none
- G. Other:
  - 1. Original LU Application

**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 13-108531 HDZ

1/4 Section 2927

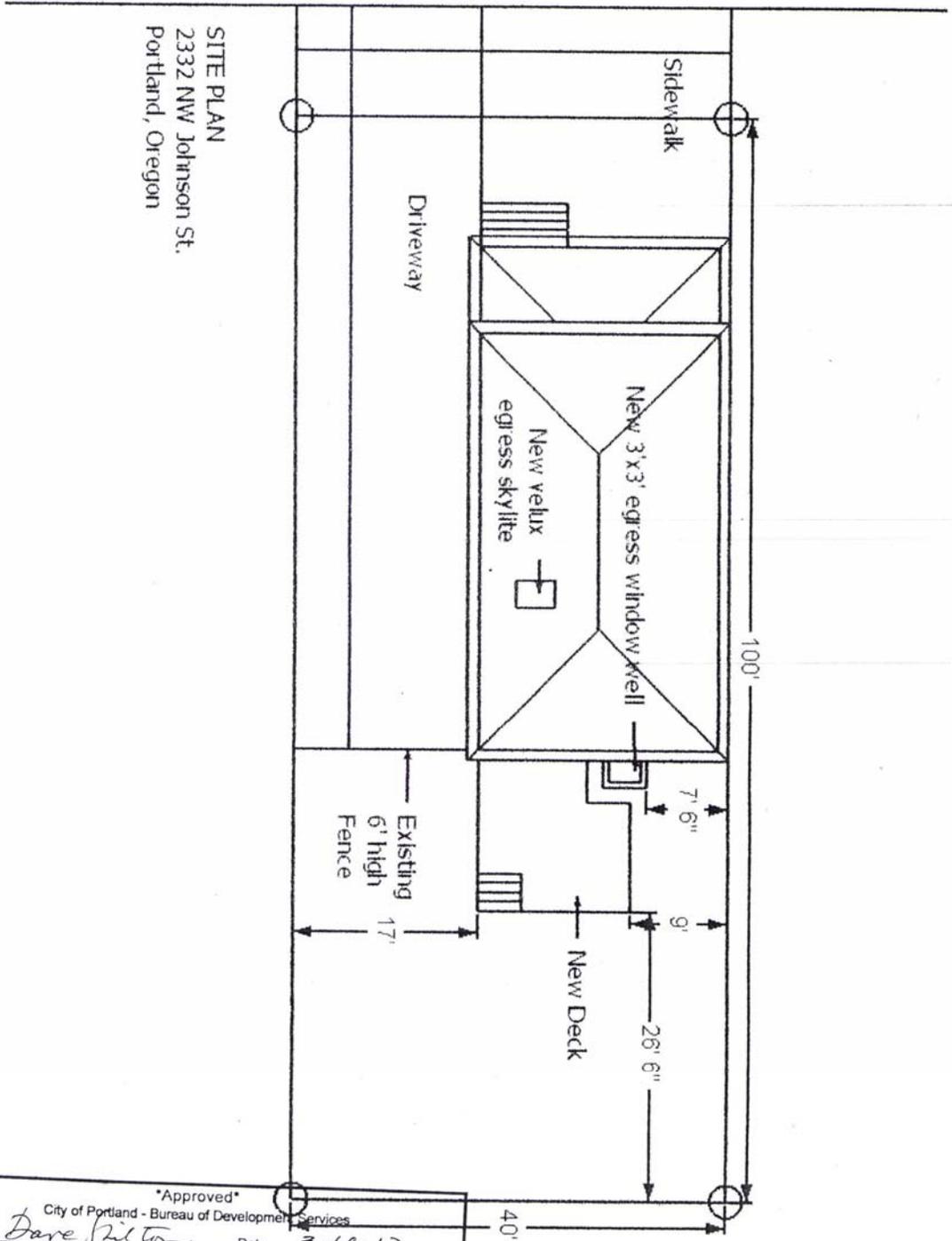
Scale 1 inch = 200 feet

State\_Id 1N1E33BC 7400

Exhibit B (Jan 25, 2013)

Scale 1"=10'  
 N

NW Johnson St.



SITE PLAN  
 2332 NW Johnson St.  
 Portland, Oregon

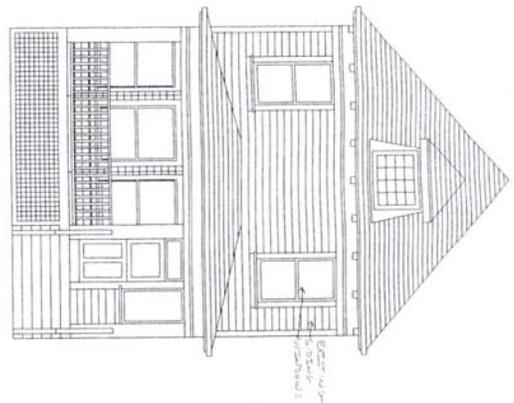
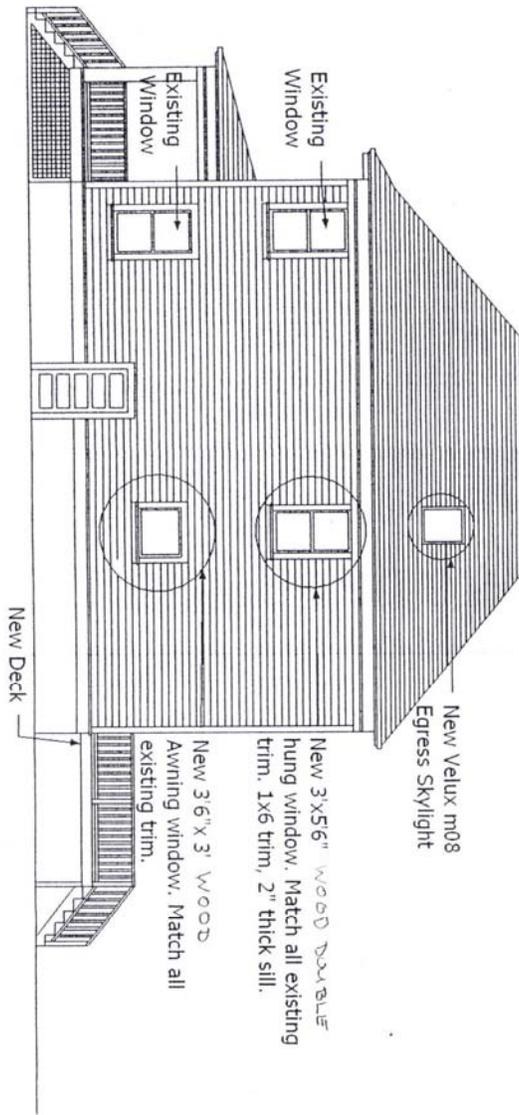
\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner Dave Pilton Date 3.18.13  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU-13-108531

C-1

2332 NW Johnson St.  
Portland, OR

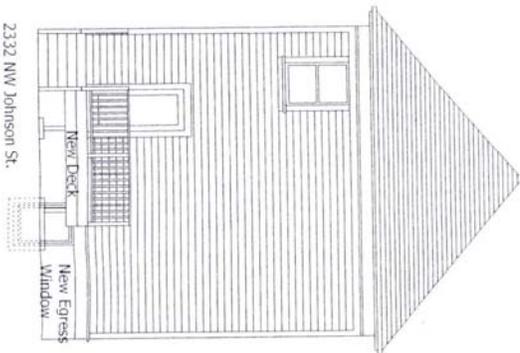
WEST ELEVATION



NORTH ELEVATION

2332 NW Johnson St.  
Portland, OR

SOUTH ELEVATION



\*Approved\*

City of Portland - Bureau of Development Services

Planner Dave Shilts Date 3.18.13

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

C-2

LA-13-108531