

To:



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 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: December 14, 2016

From: Arthur Graves, Land Use Services

Interested Person

503-823-7803 | Arthur.Graves@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision.

The reasons for the decision 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 16-259093 HR: EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Anna Foltz | Arciform LLC

2303 N Randolph Avenue | Portland, OR 97227

Owner: Frank J Dixon | 2205 NW Johnson Street | Portland, OR 97210-3229

Owners Agent: Dan Volkmer | The Dan Volkmer Team

2205 NW Johnson Street | Portland, OR 97210

Designer: Chelly Wentworth | Arciform, LLC

2303 N Randolph Avenue | Portland, OR 97227

Site Address: 2205 NW JOHNSON ST

Legal Description: BLOCK 2 E 55' OF LOT 3&4 HISTORIC PROPERTY 15 YR 2008

POTENTIAL ADDITIONAL TAX, KINGS 2ND ADD

Tax Account No.: R452300230 **State ID No.:** 1N1E33BD 14500

Quarter Section: 2927

Neighborhood: Northwest District, contact John Bradley at 503-313-7574. **Business District:** Nob Hill, contact Nob Hill at nobhillportland@gmail.com.

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Northwest

Other Designations: Cohn-Sichel House, an individually listed national registered property,

listed in the National Register of Historic Places on January 15, 2008. A contributing resource in the Alphabet Historic District, listed in the

National Register of Historic Places on November 16, 2000.

Zoning: RH: High-density Residential, Historic Resource Protection overlay zone

Case Type: HR: Historic Resource Review

Procedure: Type II, an administrative decision with appeal to the Landmarks

Commission.

Proposal:

The applicant requests Historic Resource Review approval for alterations to the Cohn-Sichel House, an individually listed national registered property and "contributing" resource within the Alphabet Historic District. The alterations to the 1907 house are to the north elevation of the existing nook (a 1998 addition) located on the west elevation of the resource. Specific alterations include the removal of 3 existing double hung windows on the north elevation of the nook, to be replaced with a single new wood double hung window and wood door. A new deck (approximately 5 feet by 5 feet), stairs and railings will also be located on the north elevation of the existing nook.

The proposal includes non-exempt exterior alterations to a landmark resource and contributing building within the Alphabet Historic District, therefore prompting Historic Resource Review prior to the issuance of building permits.

Relevant Approval Criteria:

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

- The Community Design Guidelines, and
- Historic Alphabet District: Community Design Guidelines Addendum.

ANALYSIS

Site and Vicinity:

The site 5,500 square foot site is located at the corner of NW 22nd Ave and NW Johnson Street within the Alphabet Historic District. The residential building a secondary contributing structure historically known as the Cohn-Sichel House, a 1907 craftsman-style, two-and-one-half-story building. The structure is of wood construction with a concrete block foundation and wood lap exterior siding. The roof and dormers are hipped and have significant eave overhangs. The main entrance is on the NW Johnson Street-facing façade, which has a full-width porch with classical details. The typical windows are wood, some double-hung, single-paned and some fixed single-paned. Both types have traditional profiles. This residence has significance because at one time it was the home of John Kiernan, one of Oregon's first salmon packers, lumbermen, and industrialists, and also a well-known real estate developer. The Cohn house also was the home of local merchant Herbert H. Sichel of the Moses & H.H. Sichel men's furnishings store.

Regarding area context and amenities, the site is situated in a location that has access to a number of the amenities that typify what many consider the essence of Portland livability. Within a comfortable (meaning level grade) 5 minute or quarter-mile walk from the site are scores of restaurants, retail outlets, galleries and eclectic shops that line NW 21rd Avenue and NW 23rd Avenue. Also within this walkable distance is Legacy Good Samaritan Hospital, a Parr Lumber, Les Schwab, and Linfield College Portland Campus. The site is nearly equidistant from the 2.5 acre Couch Park to the southeast and the 5.5 acre Wallace Park to the northwest.

Regarding public transportation, the site is well served with a number of options and alternatives. The street car runs a block to the north, on Lovejoy, continuing east to the Pearl District, Downtown and the University District. Frequent bus transit service operates on $21^{\rm st}$ Avenue through the #15 and on $23^{\rm rd}$ Avenue through the #15. Both NW Johnson Street to the south and NW Lovejoy Street to the north are designated as City Bikeways within the City's Transportation Service Plan (TSP). The area is also within the Northwest Pedestrian District.

Zoning:

The <u>High Density Residential</u> (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of

use are regulated by floor area ratio (FAR) limits and other site development standards. Generally, the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Newly created lots in the RH zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

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

The <u>Northwest Plan District</u> implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter: promote housing and mixed-use development; address the area's parking scarcity while discouraging auto-oriented developments; enhance the pedestrian experience; encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.

Land Use History: City records indicate that prior land use reviews include the following:

- <u>LU 05-132475 HDZ</u> Approval of the addition of a three-story attached dwelling unit with garage at grade level to the north side of an existing multi-dwelling building.
- <u>LU 06-116539 HDZM</u> Approval of a new patio, windows and door at the NW 22nd Street basement level of the existing home; new tandem garage located no more than 5-feet from the street property line; approval of a Modification request to Setbacks, 33.120.220, Table 120-4, to reduce the required 5-foot setback to 3-feet.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 4, 2016**. The following Bureaus have responded with no issues or concerns:

- 1. Bureau of Development Services Life Safety / Building Code Section: Natalie Davis: November 01, 2016. Boilerplate comments. (Exhibit E-1).
- 2. Oregon State Historic Preservation Office (SHPO): Joy Sears: November 28, 2016. With no concerns. (Exhibit E-2).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 4, 2016. 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 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is located within the Alphabet Historic District and the proposal is for a non-exempt treatment. Therefore, Historic Resource Review approval is required. The approval criteria are the *Community Design Guidelines* and the *Historic Alphabet District Community Design Guidelines Addendum*.

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

Historic Alphabet District - Community Design Guidelines Addendum

- **1. Historic Changes.** Most properties change over time; those changes that have acquired historic significance will be preserved.
- 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: The proposed alterations are to the north elevation (non street facing) of the 9-foot by 13-foot breakfast nook on the west elevation of the landmark resource. The nook was added to the 1907 landmark structure in 1998, two years prior to the creation of the Alphabet Historic District, in 2000. The proposed alterations to the nook include the removal of three existing wood windows to be replaced with a new single wood window and a new wood door. The proposed wood window is consistent with existing windows on the west elevation of the nook; the wood door is consistent with existing wood doors on the resource. All trim and siding to match existing. In addition, the 5-foot by 5-foot deck to be located adjacent to the proposed new door includes posts and railings with millwork and casing to match that found on the landmark. Collectively, the proposed alterations are compatible and consistent with features found on the nook, which is compatible and consistent with features found on the landmark resource. The alterations proposed to the landmark resource will not impact the architectural integrity or character of the structure and the resource will remain a valuable contributing asset to the immediate neighborhood as well as the greater Historic Alphabet District as a whole. These criterion are therefore met

Community Design Guidelines

P1. Plan Area Character. Enhance the sense of place and identity by incorporating site and building design features that respond to the area's desired characteristics and traditions.

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

Findings for P1 and P2: The alterations to the north elevation of the 9-foot by 13-foot structure, which is location on the west elevation of the landmark resource include: a proposed wood window, wood door, and small deck. All proposed features are consistent with existing elements and architectural detailing found on the nook structure, which is consistent with features found on the historic landmark. *These criterion are therefore met.*

- **D6. Architectural Integrity.** Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.
- **D7. Blending into the Neighborhood.** Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.
- **D8. Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings for D6, D7 and D8: The alterations to the north elevation of the breakfast nook are compatible with the historic and architectural style, materials and details of the existing structure. The scale, proportion and materials of the alterations, including the proposed window, door, deck and stairs are all consistent with features found on the structure. The proposed wood window matches existing windows on the structure regarding: material, size, proportion, and inset of the windows on the west elevation of the nook (which in turn are consistent with those same features found on the historic landmark structure). The proposed wood door matches the style, construction and inset of the door on the south elevation of the nook, both doors are consistent with the style of the landmark resource. The proposed new deck and stairs on the north elevation of the nook closely match the deck and stairs that service the south elevation of the nook regarding proportion of materials and details including: posts, railings, millwork and casing. Collectively, the proposed alterations to the nook are architecturally compatible and consistent with the 1998 addition, providing additional access and use to the nook while not diminishing the architectural integrity of the landmark resource. These criterion 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 Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to the north elevation of the 1998 kitchen nook addition to the Cohn-Sichel House, an individually listed national registered property and "contributing" resource within the Alphabet Historic District.

Approval, per the approved site plans, Exhibits C-1 through C-5, signed and dated Friday, December 09, 2016, 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.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-259093 HR. NO FIELD CHANGES ALLOWED."

Staff Planner: Arthur Graves

Decision rendered by: ______on Friday, December 09, 2016.

By authority of the Director of the Bureau of Development Services

Decision mailed: Wednesday, December 14, 2016.

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 October 14, 2016, and was determined to be complete on November 2, 2016.

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 October 14, 2016.

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: Thursday, March 02, 2017.**

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 Wednesday, December 28, 2016 at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the 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 <u>Thursday</u>, <u>December 29</u>,
 2016 (the day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

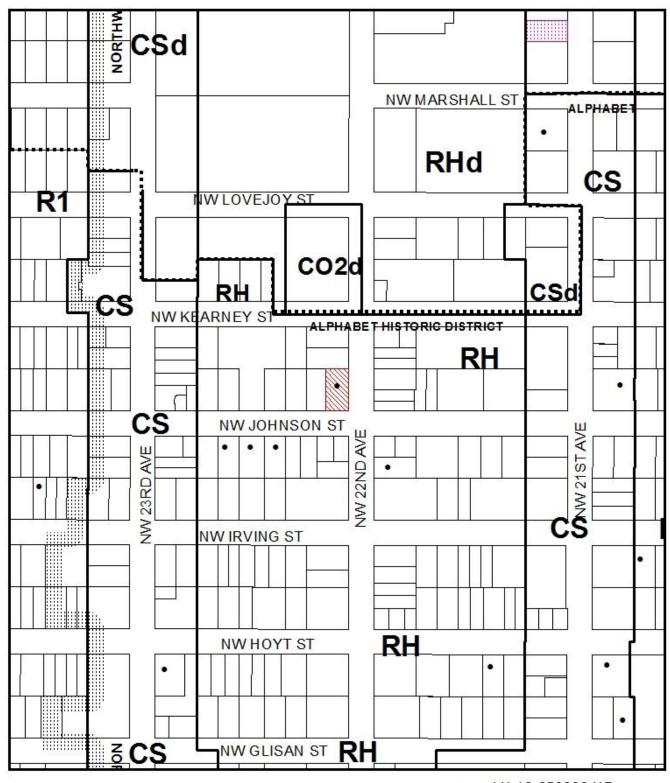
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's Statement
 - 2. Pictures: Site and details
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations: Existing North and West (attached)
 - 3. Elevations: Proposed North and West (attached)
 - 4. Elevations, Sections, Details: Window and Door
 - 5. Manufacture's cut sheets
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Development Services: Life Safety/Building Code Section: Natalie Davis: November 01, 2016.
 - 2. Oregon State Historic Preservation Office (SHPO): Joy Sears: November 28, 2016.
- F. Correspondence: None Received
- G. Other:
 - 1. Original LU Application
 - 2. Historic Information
 - 3. Sanborn Maps
 - 4. National Register of Historic Places Registration Form
 - 5. Documentation of 1998 addition

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

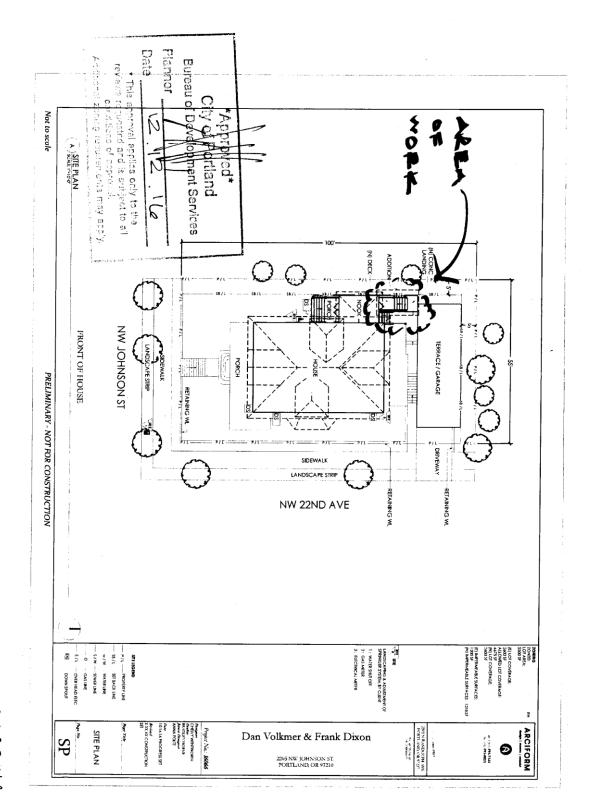


This site lies within the: NORTHWEST PLAN DISTRICT ALPHABET HISTORIC DISTRICT Site

Also Owned Parcels

Historic Landmark

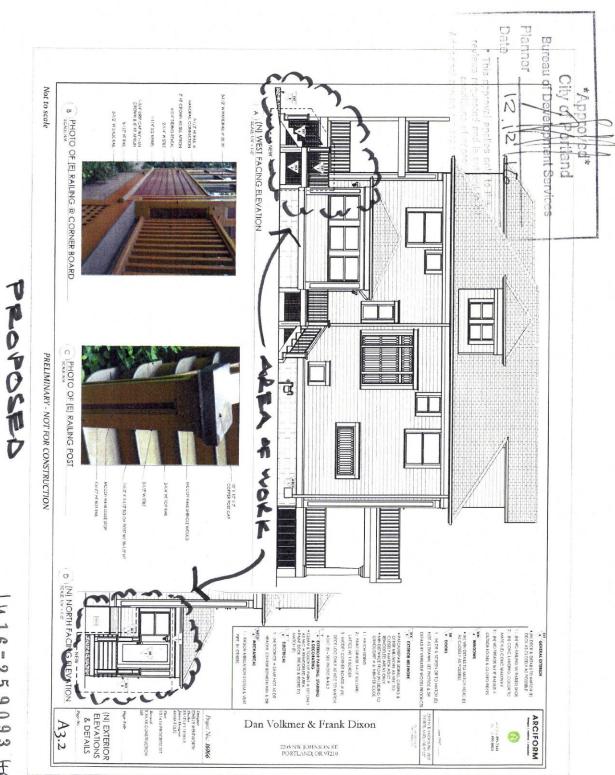
File No.	LU 16-259093 HR	
1/4 Section	2927	
Scale_	1 inch = 200 feet	
State Id _	1N1E33B	D 14500
Exhibit_	В	(Oct 20, 2016)



EXH <-1 LU16-259893 HL



EXH <-2 L016_259693 HR



EXH <-3 16-259093 HR