



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

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**Date:** September 24, 2008  
**To:** Interested Person  
**From:** Dave Skilton, Land Use Services  
503-823-0660 / [dave.skilton@ci.portland.or.us](mailto: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 08-133853 HDZ – MOMUMENTAL PORCH RESTORATION**

**GENERAL INFORMATION**

**Applicant:** Bruce Helmberger, Owner  
Hunter's Ridge Properties LLC, Owner  
1252 Valencia Street #A  
San Francisco, CA 94110-3029

**Representative:** Jordan Sudy, Project Manager (415-970-1072 x14)  
Hunters Ridge Properties  
1252a Valencia Street  
San Francisco, CA 94110

**Site Address:** 2167 SW Yamhill Street

**Legal Description:** E 50' OF W 150' OF S 100' OF BLOCK 6, JOHNSONS ADD  
**Tax Account No.:** R431600850  
**State ID No.:** 1N1E33CD 03500  
**Quarter Section:** 3027

**Neighborhood:** Goose Hollow, contact Jerry Powell at 503-222-7173.  
**Business District:** Goose Hollow Business Association, contact Angela Crawford at 503-223-6376.  
**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Other Designations:** Non-contributing resource, King's Hill Historic District

**Zoning:** RH, High Density Residential  
**Case Type:** HDZ, Historic Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**Proposal:**

The applicant is requesting Historic Design Review to reinstate a three level monumental porch to the front of a historic but non-contributing apartment building in the King's Hill Historic District. The proposal is supported by historic photographs, insurance maps, area histories, and physical evidence within the building fabric. In addition to the porch reconstruction:

- original second and third-floor porch access doors that were converted to windows will be reopened,
- non-historic cement-asbestos siding shingles will be removed from the building, and
- an ornamental circular attic vent will be installed in the front-facing gable.

Historic Design Review is required because the proposal is for an exterior alteration within the King's Hill Historic District, which was listed in the National Register of Historic Places on February 19, 1991.

**Relevant Approval Criteria:**

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

- 33.846.060 Historic Design Review
- King's Hill Historic District Guidelines

**ANALYSIS**

**Site and Vicinity:** The King's Hill Historic District, within which the subject property lies, contains a significant concentration of historic middle-class homes from the period 1882 to 1942. Many of the surviving houses in the district are the work of prominent local architects, representing a broad spectrum of styles from Italianate to Moderne.

As the name Kings Hill implies, topography plays a significant role in the character of this neighborhood. Because of the relatively steep grade of the land, buildable lots had to be created by terracing, which resulted in historic retaining walls along many street frontages. The area also includes several independent plats, so that some streets misalign and others are only separated by a block of one lot's depth.

The subject property is classed as historic but noncontributing due to alterations. The most significant loss has been the removal of a monumental three story porch. Research has not determined the exact character of this structure, but enough evidence has been found, in the surviving building fabric and in other buildings constructed by the same firm, to guide a reasonable reconstruction of the porch.

**Zoning: RH zone.** The RH zone is a high density multi-dwelling zone. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use is 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.

**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 **August 27, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on August 27, 2008. 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 King’s Hill Historic District. Therefore the proposal requires historic design review approval. The relevant approval criteria are the King’s Hill Historic District Design Guidelines.

**Findings:** The site is a designated Historic/Conservation Landmark. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. In addition, because the site is located within the King’s Hill Historic District, the relevant approval criteria are the King’s Hill Historic District Design Guidelines.

#### King’s Hill Historic District Guidelines

The guidelines for the King’s Hill Historic District were adopted on November 15, 2001. King’s Hill was locally designated as a historic district, then listed in the National Register of Historic Places in 1991. The guidelines are designed to maintain and preserve those qualities that make the King’s Hill Historic District a unique historic neighborhood. They promote the continued integrity and identity of the district in three broad areas, which are addressed under the following guideline headings:

- “A” - Area Character
- “P” - Pedestrian Emphasis
- “D” - Project Design

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

**A1. Historic Character.** Retain and preserve the diverse historic character of the King’s Hill Historic District.

**Findings:** Rather than simply retaining the surviving historic character of the building, this proposal is restorative in nature. The project is for reconstruction of a three-level monumental porch where one is known to have existed during the historic period of significance. *This Guideline is therefore met.*

**A2. Architectural Styles.** Maintain the architectural integrity of historic building façades. Respect the essential forms and styles of the historic buildings in the district.

**Findings:** The basis for the proposed porch restoration is mostly physical evidence in the building’s fabric, i.e. nail holes, paint shadows, and surviving elements. Some extrapolation is also made from other buildings by the same builder/designer. *This Guideline is therefore met.*

**A3. Historic Material, Features, and Color.** During exterior rehabilitation, protect, maintain, and preserve historic materials, color, and architectural features.

**Findings:** All surviving historic elements of the building's façade will be protected during demolition, repaired as needed, and incorporated within the new construction. *This Guideline is therefore met.*

**P2. Embellish the Different Levels of Buildings.** Embellish the different levels of a building that are visible from the streets or public open spaces. Enhance the pedestrian network by forming visual connections from buildings to adjacent streets. Incorporate building equipment, mechanical exhaust systems, and/or service areas in a manner that does not detract from the pedestrian environment.

**Findings:** The reconstruction of the porch in its original monumental configuration of three levels adds significant presence and interaction at the street face of the building. People using the porch will be able to monitor activities on the street and interact directly with pedestrians. No mechanical equipment is proposed. *This Guideline is therefore met.*

**D1. Exterior Alterations.** Exterior alterations should complement the resource's massing, size, scale, and architectural features.

**Findings:** As demonstrated by the research into the historic configuration, the proposal brings the building closer to its original massing, size, scale and architectural detailing. *This Guideline is therefore met.*

**D8. Exterior Materials and Features.** Retain or restore original exterior finishing materials. Use materials and design features that promote permanence, quality, and visual interest. Use materials and design features that are consistent with the building's style and with the existing vocabulary of the historic district.

**Findings:** The proposed reconstruction will replicate the original painted wood appearance of the porch by using materials, including wood and fiberglass columns, that reproduce its texture and colors. As a restorative effort based on documentary and physical evidence it is intrinsically consistent with the character of the historic district. *This Guideline is therefore met.*

**D11. Main Entrances.** Main entrances, including doors, porches, and balconies, should be prominent features, compatible with the detailing, style, and quality of historic main entrance features of nearby buildings. Retain and preserve main entrance features that are important in defining the building's historic character. Replace, in kind, extensively deteriorated or missing parts of the main entrance when surviving prototypes exist. When in-kind replacement is not practical, replace with elements that recreate the historic character of the main entrance.

**Findings:** The proposed three-level front porch will be a decidedly more prominent than the existing non-historic structure, and it will also replicate a known historic condition. Although few elements of the original construction survive, they will be preserved and incorporated within the new structure. *This Guideline is therefore met.*

## CONCLUSIONS

While a lack of sufficient evidence makes a literal restoration of the historic front porch impossible, the proposal seeks to reinstate the essential character that this building originally

displayed as accurately as possible. This action will improve the King's Hill Historic District's ability to "tell its story," and therefore merits approval.

## ADMINISTRATIVE DECISION

Approval of:

- reinstatement of a three-level porch with compatible detailing;
- reopening of historic doors to the porch on the second and third levels;
- removal of non-historic cement-asbestos siding tiles and repair of original wood siding; and
- placement of an ornamental attic vent in the pediment above the porch.

per the approved drawings, Exhibits C-1 through C-4 signed and dated September 18, 2008, 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 through C-4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-133853 HDZ . No field changes allowed."

Decision rendered by:  on September 22, 2008.  
By authority of the Director of the Bureau of Development Services

**Decision mailed: September 24, 2008**

**Staff Planner: Dave Skilton**

**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 3, 2008, and was determined to be complete on **August 21, 2008**.

*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 3, 2008.

*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 October 8, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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 contact the receptionist at 503-823-7967 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 **October 9, 2008 – (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.

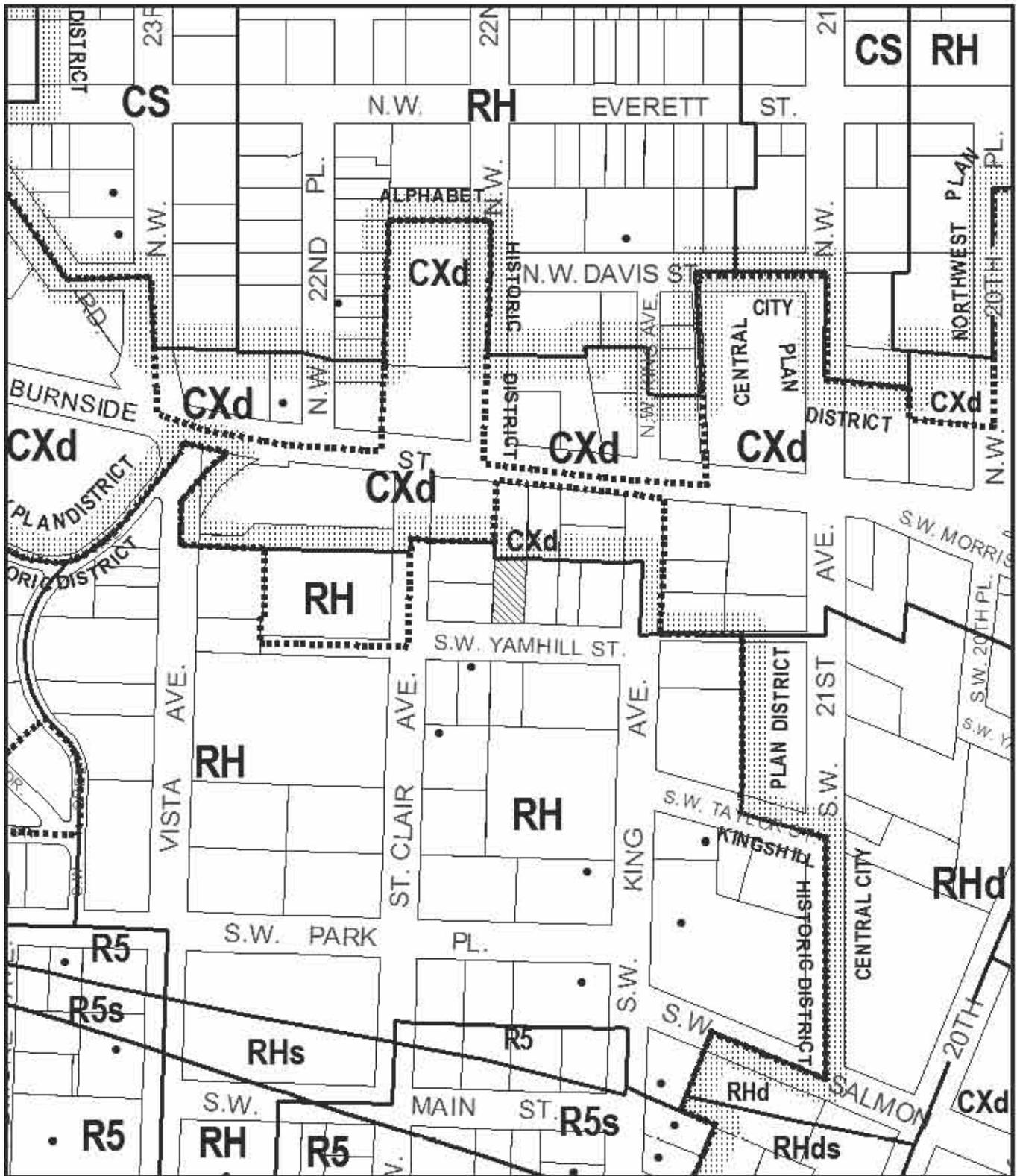
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Drawings:
  - 1. Site Plan/First, Second, and Third Floor Porch Plans (attached)
  - 2. First, Second, and Third Floor Porch Plan Details
  - 3. Front Elevation and Porch Section/Elevation (attached)
  - 4. Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence: None
- G. Other:
  - 1. Original LU Application
  - 2. Case Correspondence Log

**The Bureau of Development Services is committed to providing equal access to information and hearings. If**

**you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).**



# ZONING

 Site

 Historic Landmark



This site lies within the:  
KING'S HILL HISTORIC DISTRICT

File No.	LU 08-133853 HDZ
1/4 Section	3027
Scale	1 inch = 200 feet
State Id	1N1E33CD 3500
Exhibit	B (Jun 05, 2008)



