



City of Portland
Bureau of Development Services
Land Use Services Division

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Portland, Oregon 97201
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www.portlandonline.com/bds

Date: October 3, 2008
To: Interested Person
From: Dave Skilton, Land Use Services
503-823-0660 / dave.skilton@ci.portland.or.us

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

The Bureau of Development Services has approved a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

**CASE FILE NUMBER: LU 08-148998 DZ – SECOND STORY
ADDITION**

Applicant: James K and Jenny L Watson, Owners
1123 Cheshire Circle
Danville, CA 94506

Representative: Barry Smith, Architect (503-295-6261)
Barry R Smith PC Architect
715 SW Morrison Suite 909
Portland, OR 97205

Site Address: 1974 SW 5th Avenue

Legal Description: Lot 6 Block 156, Portland
Tax Account No.: R667715690
State ID No.: 1S1E04DA 02100
Quarter Section: 3228

Neighborhood: Downtown Cmty Assoc., contact Jennifer Geske at 503-750-9843.
Business District: Downtown Retail Council, contact Portland Business Alliance at 503-224-8684.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: Central City - University District

Zoning: RXd, Central Residential, with Design Overlay

Case Type: DZ, Design Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

Applicant is seeking Design Review for a proposal to add a full second story to an existing single story house. Some changes of window and door location on the existing main floor are also proposed. The site is on SW 5th Avenue, which has recently been improved to accommodate the new MAX line. Design Review is required because the proposal is for alteration of a property lying within the University Subdistrict of the Central City Plan District.

Relevant Approval Criteria:

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

- 33.825 Design Review
- Central City Fundamental Design Guidelines

ANALYSIS**Site and Vicinity:**

The site is a single originally platted lot, 50' x 100'. It is occupied by a highly altered, single-story, late nineteenth century house on a daylight basement and set back approximately 10' from the sidewalk.

The area is transitional in character, with a broad mix of development, including wood-frame houses converted to apartments, older brick apartment buildings, low-rise commercial properties, multi-story student-housing and office structures, and surface parking lots. Construction of the I-405 freeway just to the south beginning in 1965, "superblock" urban renewal projects to the east, and the steady expansion by Portland State University in recent decades have all contributed to great changes over time in this neighborhood.

Considerable new development has occurred in the vicinity in the last decade. Most recently, in the last year MAX light rail tracks have been installed in 5th and 6th Avenues with the turnaround area across 5th from the subject property. The combination of high density residential zoning and the availability of excellent transportation options are combining to displace the last remnants of the original development.

The immediate vicinity is a cluster of other highly altered late nineteenth century which have been converted to apartments and businesses. The rear property line abuts the rear of a gas station that faces SW 4th Avenue. Due to topography the gas station parcel is approximately 7' lower than the subject property.

Zoning:

The RX zone 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 be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of new housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

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 6, 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 6, 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 33.825 Design Review

Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site’s location, the applicable design guidelines are the Central City Fundamental Design Guidelines.

Central City Fundamental Design Guidelines

These guidelines provide the constitutional framework for all design review areas in the Central City.

The Central City Fundamental Design Guidelines and the River District Design Guidelines focus on four general categories. **(A) Portland Personality**, addresses design issues and elements that reinforce and enhance Portland’s character. **(B) Pedestrian Emphasis**, addresses design issues and elements that contribute to a successful pedestrian environment. **(C) Project Design**, addresses specific building characteristics and their relationships to the public environment. **(D) Special Areas**, provides design guidelines for the four special areas of the Central City.

Central City Plan Design Goals

This set of goals are those developed to guide development throughout the Central City. They apply within the River District as well as to the other seven Central City policy areas. The nine goals for design review within the Central City are as follows:

1. Encourage urban design excellence in the Central City;
2. Integrate urban design and preservation of our heritage into the development process;
3. Enhance the character of the Central City’s districts;
4. Promote the development of diversity and areas of special character within the Central City;
5. Establish an urban design relationship between the Central City’s districts and the Central City as a whole;
6. Provide for a pleasant, rich and diverse pedestrian experience for pedestrians;
7. Provide for the humanization of the Central City through promotion of the arts;
8. Assist in creating a 24-hour Central City which is safe, humane and prosperous;

9. Ensure that new development is at a human scale and that it relates to the scale and desired character of its setting and the Central City as a whole.

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

A4. Use Unifying Elements. Integrate unifying elements and/or develop new features that help unify and connect individual buildings and different areas.

Findings: The proposal, addition of a second story to an existing house, uses a vocabulary of ordinary domestic materials, two widths of lap siding, painted wooden trims, metal roofing, metal clad windows, and a concrete base. Fenestration is provided with systematic use of vertically oriented windows, singly and in pairs. These characteristics help the house to blend well with its immediate neighbors, wood frame house structures that have been converted to apartment use. *This Guideline is therefore met.*

A6. Reuse/Rehabilitate/Restore Buildings. Where practical, reuse, rehabilitate, and restore buildings and/or building elements.

Findings: The proposal reuses and rehabilitates a small, highly altered, late 19th century dwelling. The rehabilitation is achieved by the addition of a full second story, and the use of new cladding, roof, and window systems. *This Guideline is therefore met.*

A7. Establish and Maintain a Sense of Urban Enclosure. Define public rights-of-way by creating and maintaining a sense of urban enclosure.

Findings: The existing degree of urban enclosure, at a domestic scale, is augmented by the addition of a full second floor to the building. *This Guideline is therefore met.*

A8. Contribute to a Vibrant Streetscape. Integrate building setbacks with adjacent sidewalks to increase the space for potential public use. Develop visual and physical connections into buildings' active interior spaces from adjacent sidewalks. Use architectural elements such as atriums, grand entries and large ground-level windows to reveal important interior spaces and activities.

Findings: The inclusion of a new bay window at the ground floor on the front of the building, and the introduction of a front porch both make stronger connections between the house and the right-of-way. *This Guideline is therefore met.*

B4. Provide Stopping and Viewing Places. Provide safe, comfortable places where people can stop, view, socialize and rest. Ensure that these places do not conflict with other sidewalk uses.

Findings: The entrance to the house is marked by steps, a porch, and a canopy above the front door. These elements provide a node where occupants and passers by are able to interact. *This Guideline is therefore met.*

C2. Promote Quality and Permanence in Development. Use design principles and building materials that promote quality and permanence.

Findings: The materials proposed for the rehabilitation of this house are all durable and considerably higher in quality than those on the subject existing house. The result will be an updated and rehabilitated structure with many years of prospective use. *This Guideline is therefore met.*

C3. Respect Architectural Integrity. Respect the original character of an existing building when modifying its exterior. Develop vertical and horizontal additions that are compatible with the existing building, to enhance the overall proposal's architectural integrity.

Findings: The character of the existing house appears to derive from its having been reduced by a floor after a fire and before the structure was moved to this site. It is a squat, nondescript adaptation bearing little resemblance to its original form or style. The addition of a second floor returns some sense of a nineteenth century residence, as does the use of vertically proportioned windows, lapped siding, a belly-band at the floor-to-floor transition, and a moderately pitched roof. *This Guideline is therefore met.*

C4. Complement the Context of Existing Buildings. Complement the context of existing buildings by using and adding to the local design vocabulary.

Findings: The proposal mostly responds to its immediate surroundings, altered late-nineteenth century houses that have been converted to apartments, and it will continue to be used as a single family residence. The proposal does not preclude later, denser residential development, and it does not move the existing structure further out of compliance with the requirements of the zoning code. *This Guideline is therefore met.*

C5. Design for Coherency. Integrate the different building and design elements including, but not limited to, construction materials, roofs, entrances, as well as window, door, sign, and lighting systems, to achieve a coherent composition.

Findings: The composition of the building elevations is informed by traditional frame house construction. It uses familiar materials, textures, and configuration of elements, such as a consistent head-height and vertical alignment of openings, a limited vocabulary of window types, and a consistent roof pitch. *This Guideline is therefore met.*

C11. Integrate Roofs and Use Rooftops. Integrate roof function, shape, surface materials, and colors with the building's overall design concept. Size and place rooftop mechanical equipment, penthouses, other components, and related screening elements to enhance views of the Central City's skyline, as well as views from other buildings or vantage points. Develop rooftop terraces, gardens, and associated landscaped areas to be effective stormwater management tools.

Findings: Modest arrays of photovoltaic solar panels are proposed for the south and west facing slopes of the roof. They will be mounted at the same pitch as the roof and integrated with the pattern of the metal roof panels. *This Guideline is 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

Although the proposal to add a floor to the existing house on the subject property is unusual within the context of high-density residential zoning, it does modestly improve the quality of the neighborhood and it does not preclude any future project that would increase density. The proposal therefore merits approval.

ADMINISTRATIVE DECISION

Approval of a second story addition to an existing single family residence, per the approved drawings, Exhibits C-1 through C-10 signed and dated September 30, 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-10. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-148998 DZ. No field changes allowed."

Decision rendered by:  on September 30, 2008.

By authority of the Director of the Bureau of Development Services

Decision mailed: October 3, 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 July 24, 2008, and was determined to be complete on July 30, 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 July 24, 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 requested that the 120-day review period be extended 120 days.

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 Design Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 18, 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.

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 Design 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 Design 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 19, 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:

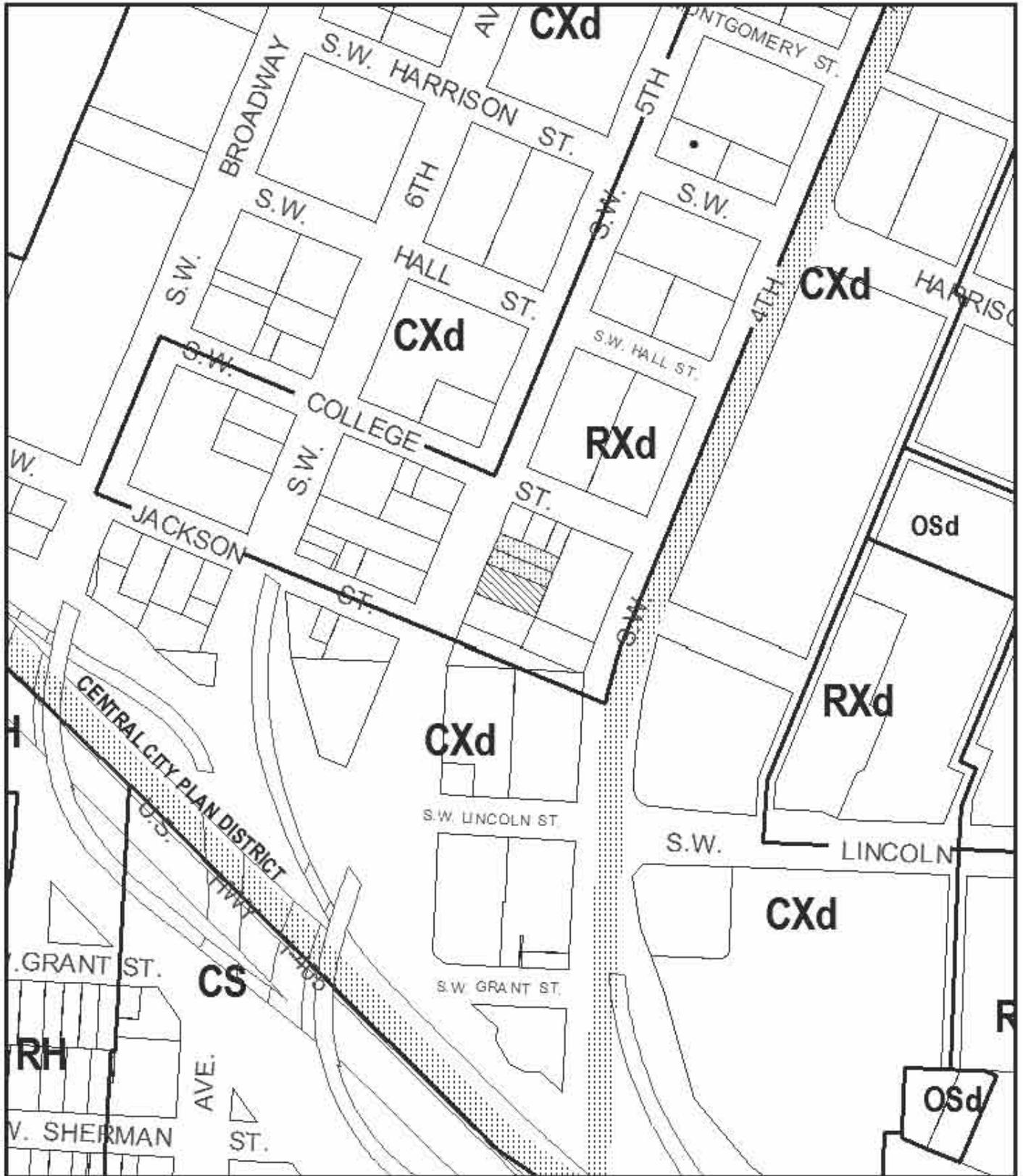
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Materials
 - 1. Applicant's Statement
 - 2. Request for Extension of 120 Day Review Period
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Landscape Plan
 - 3. Utility Plan
 - 4. Floor Plans
 - 5. West and South Elevations (attached)
 - 6. North and East Elevations
 - 7. Building Section
 - 8. Construction Sections
 - 9. Solar Panel Details
 - 10. Window Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Review Section of BDS
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Case Communication 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

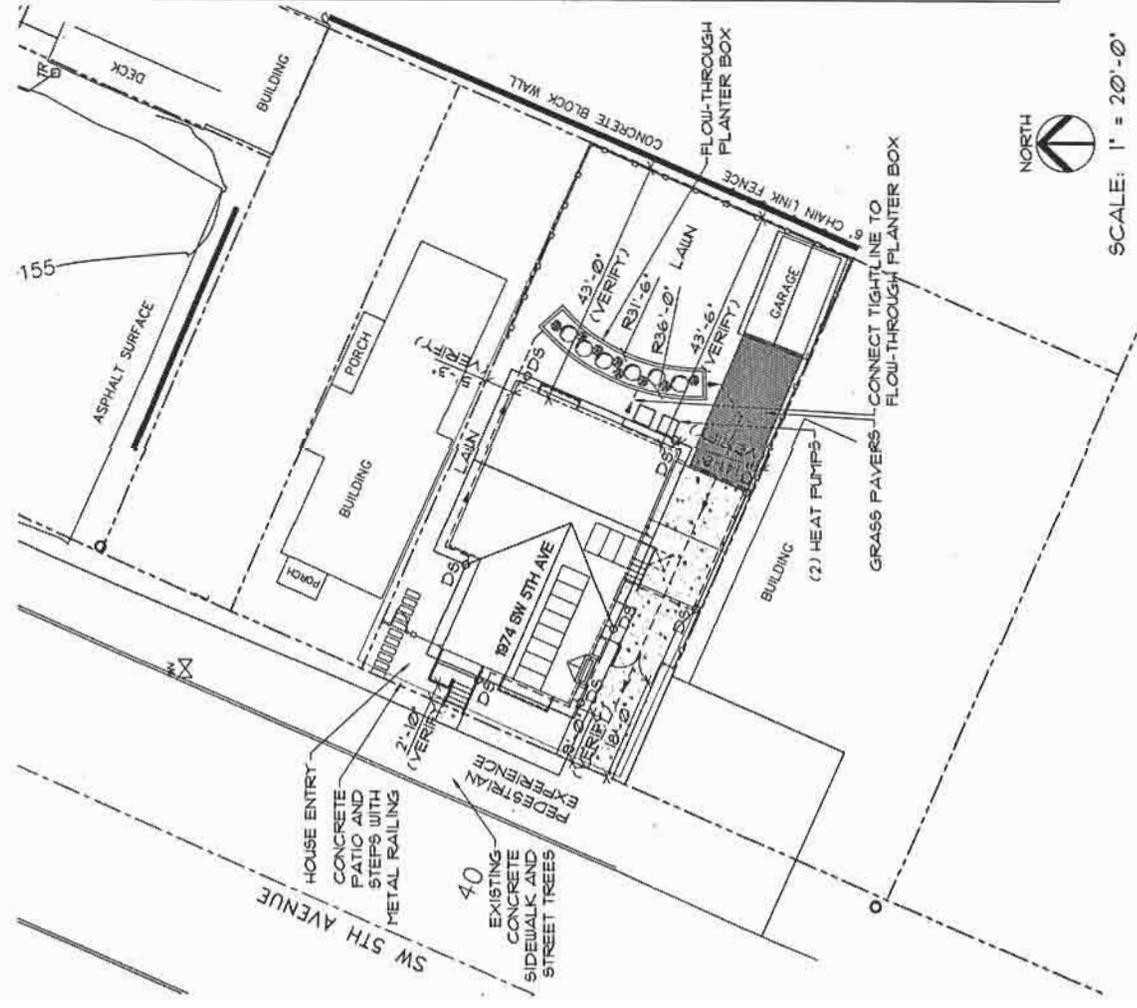
-  Site
-  Also Owned



This site lies within the:
CENTRAL CITY PLAN DISTRICT

File No.	LU 08-148998 DZ
1/4 Section	3228
Scale	1 inch = 200 feet
State_Id	1S1E04DA 2100
Exhibit	B (Jul 28, 2008)

Approved
 City of Portland - Bureau of Development Services
 Planner Dave Miller Date 7-3-08
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



SCALE: 1" = 20'-0"

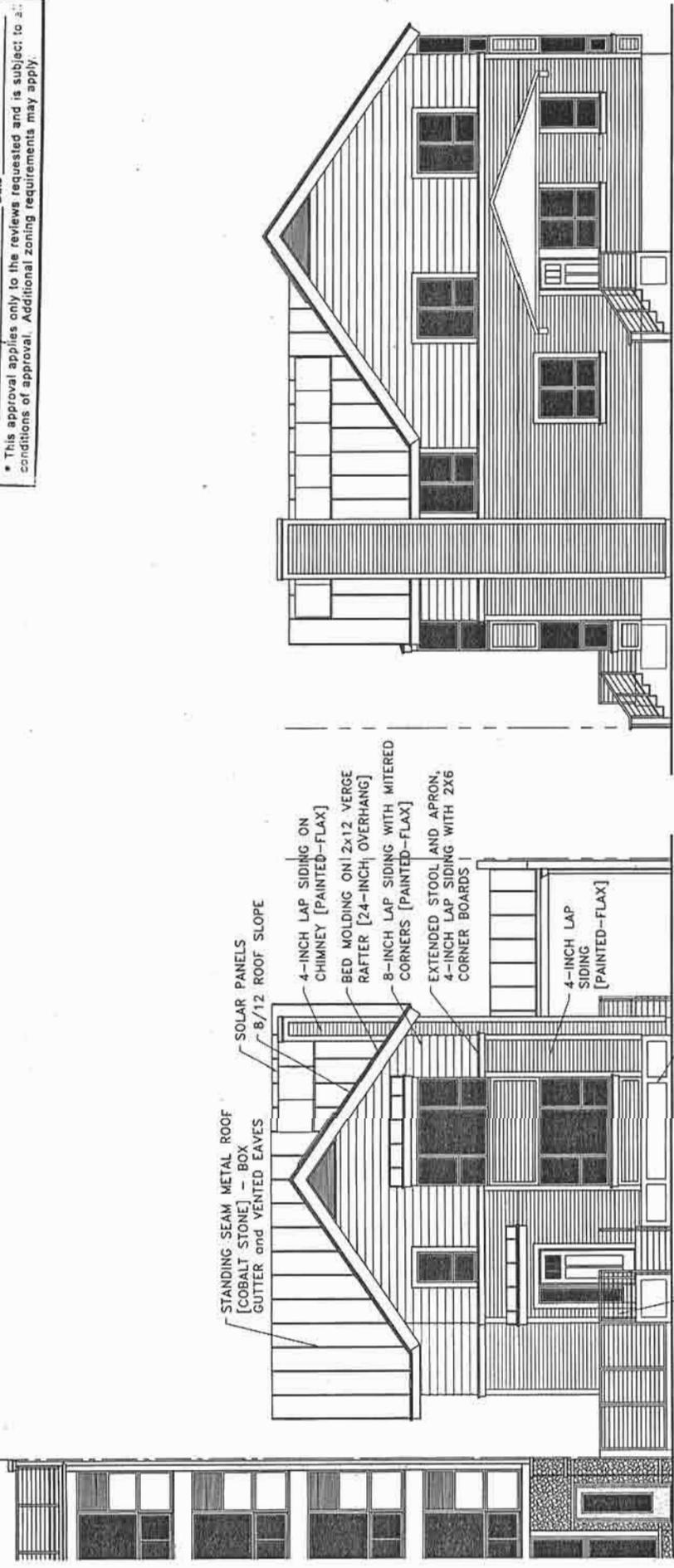
EXHIBIT C-1
 LU 08-148-118 DZ
 SEPTEMBER 25, 2008

1974 SW 5TH AVENUE, PORTLAND, OREGON
 SITE PLAN

BARRY R. SMITH, PC, ARCHITECT
 715 SW MORRISON STREET SUITE 909
 Portland, OR 97205 503.235.6281 -o 503.223.0526 -f barry@barrysmith.com



Approved
 City of Portland - Bureau of Development Services
 Planner *Daniel Hill* Date *7.30.08*
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



RIGHT SIDE ELEVATION

SW 5TH AVENUE ELEVATION

BARRY R. SMITH, PC, ARCHITECT
 715 SW MORRISON STREET SUITE 909
 Portland OR 97205 503.235.6281 → 503.228.0626-f.barry@barrysmith.com

1974 SW 5TH AVENUE, PORTLAND, OREGON
 EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"
 SEPTEMBER 25, 2008
 EXHIBIT C-5
 LU 08-148978 D Z