



City of Portland
Bureau of Development Services
Land Use Services Division

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Date: June 19, 2008
To: Interested Person
From: Tim Heron, Land Use Services
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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 08-108226 HDZM – TWO CAR GARAGE AND EXTERIOR CHANGES TO EXISTING HOUSE

GENERAL INFORMATION

Applicant: Michelle K Kelly, Owner
4775 SE Stark Street
Portland, OR 97215

Representative: Todd Lasher, 503-289-0016
Lasher Design
5632 N Atlantic Ave
Portland OR 97217

Site Address: 2343 SW PARK PL
Legal Description: LOT 44, CEDAR HILL
State ID No.: 1N1E33CC 02800

Tax Account No.: R144800490
Quarter Section: 3027

Neighborhood: Goose Hollow, contact Jerry Powell at 503-222-7173.
Business District: None
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Other Designations: within the King's Hill Historic District
Zoning: R1, Multi-dwelling Residential
Case Type: HDZM, Historic Design Review with Modification(s)
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant seeks historic design review approval to remove an existing single-car garage behind the existing residence, and to construct a new two-car garage, attached to the house at the basement level, with useable roof deck. Additional improvements include wrought iron railings, french doors and relocated windows.

The proposed garage will be similar to the existing one in materials, but will be setback from the east property line two-feet and have wood "carriage" doors. A wood balustrade surrounds the flat rooftop with a short stair to the deck at the west side of the garage. In addition to the

balustrade, a wood pergola is to be added along the east edge of the roof deck. The decking itself is to be a composite material.

At the south side of the house, fronting SW Park Place, a new wrought iron fence and gate are to be added above the existing brick garden wall. The proposed posts and gate will have decorative "curlicue" ironwork and the gate will have an arched top. The height of the added fencing will still be no more than 3'-6" from the grade of the yard.

Alterations are proposed to the residence include at the SW Park Place frontage, new wood columns under the existing entry porch roof, and the replacement of double-hung, three-over-one second-floor bedroom windows with new french doors and wrought iron guard rails. The removed double-hung windows will be relocated to the north side [rear] of the house, in the breakfast nook. New wood porch columns will match interior columns within the house, with an inset panel body and decorative cap with diamond motif. The new french doors will be custom made to match existing profiles and trim of the house's existing doors. Finally, a new pair of doors will be installed at the north side of the house opening to the patio area in the place of an existing window (to be removed).

A new metal and glass lantern fixture is to be installed at either side of the new garage door, and another above the new pair of rear doors opening to the patio. Other proposed lighting consists of a number of "step" lights within the low walls and planters at the north side of the house.

Modification through Historic Design Review requested:

- Side building setbacks in the R1 zone are listed in Table 120-4. For the new garage, a sidewall area of less than 1000 SF, the minimum setback is 5-feet. The proposal is for the garage buttress elements to be built 2'-0" from the eastern lot line, the larger concrete wall portion of the garage will be setback 2'-4". A balustrade railing and pergola structure above the garage will be setback 3'-6" from the east property line. The top of the pergola posts will measure 14'-0" above the adjacent grade.

Exterior alterations or additions in a historic district require historic design review.

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:

- 33.445 Historic Resources
- Kings Hill Historic Design Guidelines
- 33.846.060.G, Historic Reviews
- 33.846.070, Modifications Considered During Historic Design Review

ANALYSIS

Site and Vicinity: The existing residence on the site is a primary contributing resource in the King's Hill Historic District. The historic name is the Sichel Residence after its original owners. It was built in 1914, but the architect is unknown. The lot is 5,000 SF and fronts two streets: SW Park Place, the primary façade frontage; and SW Cedar Street, the secondary, or rear, façade frontage and garage access.

The house primarily references the Colonial style, although it does show influence of other styles. It is a 2-1/2 story rectangular structure with medium-pitch side-facing gable roof and shows a strongly symmetrical façade as typical of the Colonial style. The front entry has a bellcast roof, supported by an open wood screen, and there are two pedimented dormers with six-over-one double hung wood sash windows, matching the windows in the second story. One central three-over-one window occurs above the entry. The bellcast-hipped roof is noted as being uncommon for traditional residential Colonial Revival styles, and the tripartite first floor windows are more common to the later Craftsman style. The National Register form also notes that the slightly projecting upper story as well as the shingle cladding is typically found on

Colonial styles on the East Coast. A stepping low brick wall encloses a yard of mature shrubs at the front (south side). An existing single-car concrete garage fronts onto the north street.

Zoning: 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 Overlay Zone protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 8, 2008**. The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Fire Bureau
- Bureau of Parks-Forestry Division

The Bureau of Environmental Services responded. *Exhibit E-1 has additional details.*

The Bureau of Transportation Engineering responded with the following comment: "A standard approach design may not work for connecting the street to driveway at this location. Design will need to be determined at time of permit." *Exhibit E-2 has additional details.*

The Site Development Section of BDS responded. *Exhibit E-3 has additional details.*

The Life Safety (Permitting) Division of BDS responded. *Exhibit E-4 has additional details.*

Neighborhood Review: A "Notice of Proposal in Your Neighborhood" was mailed on April 8, 2008. One written response was received from either the Neighborhood Association or notified property owners in response to the proposal.

- Joseph Homann, MD, a neighbor, responded on April 21, 2008 with concerns that of the 5-foot setback Modification and pergola structure. Concerns specified the loss of light from the west due to the garage setback from Cedar Street and the proposed height of the pergola structure. *Exhibit F.1.*

Staff response: The applicant has revised the proposal to set back the new garage structure 2'-0" from the east property with medium sized grass landscaping that will screen the 5'-0" height of the new concrete garage wall, which is 1'-0" lower than the existing garage height at the property line. Additionally, the garage has been setback from the SW Cedar Street property line 3'-8" to allow light and views otherwise blocked by the original garage's location at the east and north property line corner. The balustrade railing and pergola structure are visually "light" elements that cap the garage and other wise allow light and air through their design, while also providing an architecturally elegant screen to protect privacy.

Due to the relatively steep grade of SW Cedar Street frontage, were the garage to be placed further west at the 5'-0" setback otherwise required, three feet further than proposed, the garage and subsequent pergola height would likely increase in total height relative to the east property line. Additionally, the rise would increase the concrete mass of the garage height relative to the rear elevation, negatively impacting this secondary façade's appearance – an considered aspect of the historic approval criterion and guidelines.

While an option existed to expand the existing single car garage to the west, maintaining the zero property line wall of 6'-0" at the east property line, an extension to attach the expanded garage to the house could still be approved. While the new two-car garage proposal triggered the 5'-0" setback requirement due to it being new construction, mitigating factors were considered. Among them were the modest setback from the east and north, the decorative and visually light elements above and subsequently limited impact on the rear elevation from SW Cedar Street views, on balance, were shown to meet the Modification Approval criteria.

Additional information is addressed in the findings and Modification Review below.

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 within a Nationally designated Historic District. 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 Kings Hill Historic District, the relevant approval criteria also include the Kings Hill Historic District Design Guidelines.

Approval Criteria based on the Standards of the Secretary of the Interior.

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

1. Historic Character. The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

Findings: The existing residence on the site is a primary contributing resource in the King's Hill Historic District. The historic name is the Sichel Residence after its original owners. It was built in 1914, but the architect is unknown. The garage to be removed is non-contributing and does not contribute to the historic significance of the property. *This criterion is therefore met.*

2. Record of its Time. The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

3. Historic Changes. Most properties change over time. Those changes that have acquired historic significance will be preserved.

4. Historic Features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

Findings: The house will remain a record of its time, with modest alterations being made that are consistent with the period and style of the Colonial style residence, such as the porch columns and decorative wrought iron fencing and gates. No conjectural features will be added. The non-historic concrete garage, which will be removed, has no features that have acquired historic significance and does not warrant preservation. The new two-car

garage will reflect characteristics of the previous garage, including its placement at the NW corner of the site and partially underground to maintain the presence and integrity of the rear SW Cedar Street elevation. *These criteria are therefore met.*

5. Historic Materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings: All historic materials will be protected and no damaging treatments will be used. *This criterion is therefore met.*

7. Differentiate New from Old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

Findings: The new work will be differentiated by new windows, new door, stairs and railings, and trellis work. No historic materials will be destroyed. *This criterion is therefore met.*

8. Architectural Compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

9. Preserve the Form and Integrity of Historic Resources. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

10. 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.

Findings: The alterations to the residence will be compatible through a number of methods: the reuse of existing windows and trim details to match the existing; wood french doors and trim that reflect the craft and quality of existing thresholds on the residence; the replacement of Colonial style detailed wood columns at the character defining bellcast front porch; and the replacement of the non-historic single-car garage with a matching concrete material two-car garage embellished with historically appropriate rooftop balustrade.

The new two-car garage could be removed without affecting the historic resource, the Sichel Residence.

All work will be compatible with the original residence, using materials and design details found on the site. The work will also be compatible with the adjacent contributing properties to the east and west, which also have vehicle access from SW Cedar Street along this northerly frontage. The work is also compatible with the district, preserving the design and use of the building as a residence and providing off-street parking at the secondary/rear elevation with as minimal impact on the resource as practicable. *These criteria are therefore met.*

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:

- Area Character
- Pedestrian Emphasis
- Project Design

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

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

Findings: The character of the district is one of large City residences for prominent families, designed by notable architects. The character will be retained as changes to the front of the residence, along SW Park Place, are minor, including restoration of Colonial style porch column and decorative wrought iron railings. Major alterations occur at the rear of the residence for a new two-car garage and to replace a non-historic single car garage. As the new garage includes complimentary detailing in the form of wood balustrade elements and concrete walls, as well as modest setbacks from the street and existing property lines, the new element retains the historic character of the district. *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.

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

Findings: The form of this house will not be altered, since changes are to the porch columns, wrought iron fencing, french doors, along with matching repairs as needed. The style will be maintained, using wood doors and trim to match existing, and a two-car garage design that mimics the concrete buttressing of the single car garage and concrete wall along SW Cedar Street.

Existing historic features will be preserved. The new french doors replacing existing windows will be made to match the existing trim details, as well as incorporate wrought iron balcony rails that will complete the new wrought iron fencing. The combination of these two elements, visually light and complimentary to the Colonial style and of other decorative wrought iron railings in the Historic District. *These guidelines are therefore met.*

A5. Historic Change to Buildings. Alterations may take on historical significance over time. Preserve those portions or features of a building that define its historical, cultural, or architectural value.

Findings: This work will affect no significant alterations and the character-defining features will be preserved, and carried forward into the alterations in the form of matching materials and details. *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: French doors added to the second floors and the wrought iron fencing and gates added to the main entry sequence along SW Park Place contribute to the character of this Colonial style residence and add to the visual connections between the building and the street. The new two-car garage will replace a single car garage

at the rear of the property along SW Cedar Street, while style preserving a large are of backyard frontage. The building and site will be embellished with new railings, lights, and a two-car garage at the rear of the site along SW Cedar Street. *This guideline is therefore met.*

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

Findings: Alterations include new wood french doors to replace the second floor windows, railing and a two-car garage. The wood doors, wrought iron balcony and fencing, light fixtures, and concrete garage with wood balustrade above all use compatible materials and complimentary details that support the resource as a Colonial style residence in the Kings Hill Historic District. *This guideline is therefore met.*

D2. New Construction. Use siting, mass, scale, proportion, color, and material to achieve a coherent composition that adds to or builds on the characteristics of historic buildings in the immediate vicinity and the character of the King's Hill Historic District as a whole.

D3. Differentiate New Construction. For development including new buildings and building additions, differentiate new construction from the historic structures while respecting primary site characteristics such as mass, size, scale, and setback.

D5. Building Context and Composition. In new construction, complement the characteristics of the site and architectural features of contextual building by borrowing from, and building on, the design vocabulary of the district's historic buildings. When adding to or altering the exterior of existing development, respect the character of the original structure as well as adjacent structures.

Findings: All work will be compatible with the original residence, using materials and design details found on the site. The two-car garage will be new construction to replace the existing non-historic concrete garage, in the same NE corner of the site fronting SW Cedar Street. The concrete garage will incorporate buttresses that reflect the existing pattern of the concrete retaining wall along SW Cedar Street. The new garage will be differentiated by the roof top balustrade and pergola design the provides area for active use. New doors, stairs and wrought iron railings will differentiate the new work on the residence. *These guidelines are therefore met.*

D7. Elevated Lots, Fences, and Retaining Walls. Use changing grades and site elevation as design elements. Site new buildings and make site modifications in a way that reinforces the existing pattern present in surrounding historic buildings and the topography. Maintain existing garden walls at or near the property line. Replace retaining walls where they previously existed.

Findings: The existing concrete wall at the north property line and the tradesmen's steps, fronting on SW Cedar, will be retained and refurbished. The portion removed for the construction of the new two-car garage will be replaced with in-kind material, texture and detail to best integrate the new garage curb-cut and buttressed wall elements. *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: New wood french doors will be of the highest quality for visual interest and consistency with the style of the residence. The balustrade and pergola design for the garage roof will be very similar in design to other wood details on the residence and in keeping with the Colonial Style woodwork evidenced in the home and the district. *This guideline is therefore met.*

D9. Window Features. Retain and preserve window features that are important in defining the building's historic character. Replace, in kind, extensively deteriorated or missing parts of the window casement when surviving prototypes exist. When in-kind replacement is not practical, replace with elements that recreate the window's historic character.

Findings: Windows at the second floor front façade will be relocated at the rear of the residence, using repaired and/or matching trim details. New french doors in their place will recreate the historic character of the residence, with wrought iron balcony railing that are characteristically similar to curvy ornate style of the Colonial era. *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: No change to the main entrance other than the improvement of two Colonial style porch columns. A new north entrance at the rear of the house will include wood french doors that match existing trim and door details on the house. *This guideline is therefore met.*

D12. Parking Areas and Garages. Design surface parking to be consistent with the design of the building it serves. Modify historic parking structures to be compatible with the accompanying building by retaining their defining architectural characteristics. Where possible, share parking areas to reduce disruption of the historic sidewalk landscape pattern.

Findings: The new two-car garage will replace the existing single car garage in the same location but with increased setbacks from the side and Cedar Street property line. The garage will be setback from the east property line 2-feet, and north street property line 3'-8". The new garage will incorporate concrete buttress elements that mimic the existing retaining wall along SW Cedar Street. The setbacks from the street and east property line have been provided to the maximum extent possible to limit the overall height of the garage mass both in its potential impact of the rear elevation of the resource [the contributing residence], but also considering the downhill neighbor to the east and light, air and privacy impacts towards their existing outdoor area.

The height of the new garage above the adjacent east property line retaining wall will be 5-feet tall, which is one-foot lower at the proposed two-foot setback, than the existing garage located immediately on the property line [6-feet above the existing retaining wall]. A decorative balustrade and pergola elements added to the top of the new garage will allow active uses on the garage roof while also acting as a privacy screening element between the two properties.

Locating the new two-car garage near to the same location as the existing single car garage, at the low end of the site, minimizes the impact of the proposed garage on the historic resource by limiting its overall height, mass and visual impact of the Sichel Residence. The modest 2-foot setback from the east property line and 3'-8" setback from the Cedar Street property line minimizes the garage bulk as opposed to a further uphill location, 5'-0" from the east property line, and at the Cedar Street property line. Privacy, light and air impacts to the east are mitigated by a modest landscaping screening opportunity [2-foot setback for tall grasses], historically

appropriate balustrade and pergola details that are visually transparent to allow western light, as well as the 3'-8" setback from the north Cedar Street property line to allow previously unavailable views and northwestern light exposure. *This guideline is therefore met.*

MODIFICATION REQUESTS (33.846)

33.445.050 Modifications that Enhance Historic Resources and

33.846.070 Modifications Considered During Historic Design Review

The review body may grant modifications to site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic design review process. However, modification to a parking and loading regulation within the Central City plan district may not be considered through the historic design review process.

Modifications made as part of historic design review are not required to go through a separate adjustment process. To obtain approval of a modification to site-related development standards, the applicant must show that the proposal meets the approval criteria.

Modifications to all other standards are subject to the adjustment process. Modifications that are denied through historic design review may be requested through the adjustment process.

The approval criteria for modifications considered during historic design review are:

- A. Better meets historic design review approval criteria.** The resulting development will better meet the approval criteria for historic design review than would a design that meets the standard being modified; and
- B. Purpose of the standard.**
 1. The resulting development will meet the purpose of the standard being modified; or
 2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

The following modification is requested:

- Side building setbacks in the R1 zone are listed in Table 120-4. For the new garage, a sidewall area of less than 1,000 SF, the minimum setback is 5-feet. The proposal is for the garage buttress elements to be built 2'-0" from the eastern lot line, the larger concrete wall portion of the garage will be setback 2'-4". A balustrade railing and pergola structure above the garage will be setback 3'-6" from the east property line. The top of the pergola posts will measure 14'-0" above the adjacent grade.

Purpose: The building setback regulations serve several purposes:

- *They maintain light, air, separation for fire protection, and access for fire fighting;*
- *They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;*
- *They promote a reasonable physical relationship between residences;*
- *They promote options for privacy for neighboring properties;*
- *They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;*
- *They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and*
- *Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users.*

Findings:

A) *As the proposal relates to the Historic Criterion and Design Guidelines:*

The new two-car garage will replace the existing single car garage in the same location but with increased setbacks from the side and Cedar Street property line. The new garage will incorporate concrete buttress elements that mimic the existing retaining wall along SW Cedar Street. The setbacks from the street and east property line have been provided to the maximum extent possible to limit the overall height of the garage mass both in its potential impact of the rear elevation of the resource [the contributing

residence], while considering the otherwise required 5'-0" setback from the east property line.

Locating the new two-car garage near to the same location as the existing single car garage at the low end of the site, while also historically consistent, minimizes the impact of the proposed garage elevation on the historic resource by limiting its overall height, mass and visual impact of the Sichel Residence. The modest 2-foot setback from the east property line and 3'-8" setback from the Cedar Street property line minimizes the garage bulk as opposed to a further uphill location, 5'-0" from the east property line, and at the Cedar Street property line.

The following Historic criterion and guidelines are better met by the proposal's location within the east side setback: 3. Historic Changes, A1. Historic Character, D2. New Construction, D6. Site and Landscape Characteristics, D7. Elevated Lots, Fences, and Retaining Walls, D12. Parking Areas and Garages.

B) As the proposal relates to the standard:

The height of the new garage above the adjacent east property line retaining wall will be 5-feet tall, which is one-foot lower at the proposed two-foot setback, than the existing garage located immediately on the property line [6-feet above the existing retaining wall]. A decorative balustrade and pergola elements added to the top of the new garage will allow active uses on the garage roof while also acting as a privacy screening element between the two properties.

Privacy, light and air impacts to the east are mitigated by several factors: a modest landscaping screening opportunity [2'-0" to 2'-4" setback for tall grasses]; a historically appropriate balustrade and pergola details that are visually transparent to allow western light; and a 3'-8" setback from the north Cedar Street property line to allow previously unavailable views and northwestern light exposure.

Ultimately, the modification requested is a reasonable approach to balanced the demands placed by an existing moderately sloped street frontage, the historic integrity of the residence located in a Nationally Registered Historic District, and the Portland Zoning Code required side setback for accessory structures. The Modification Request to the code is a successful design solution that is consistent with the Historic Approval Criteria and meets the intent of the standard being modified. *Therefore, this modification merits approval.*

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 proposed alterations to the Sichel Residence will use materials and details matching those of the historic house to maintain the Colonial style appearance in the overall design. The two-car garage will use matching concrete detailing and balustrade and pergola elements to create an integrated garage area to replace a non-historic concrete garage. The Modification to reduce the side setback has been mitigated due to its placement, height and detailing. This proposal therefore merits approval.

ADMINISTRATIVE DECISION

Approval to remove an existing single-car garage north of the existing residence, and to construct a new two-car garage, attached to the house at the basement level, including attached lantern lighting and a roof deck.

Approval for additional elements including: a new wrought iron fence and gate added above the existing brick garden wall, new wood columns under the existing entry porch roof, and the replacement of double-hung, three-over-one second-floor bedroom windows with new French doors and wrought iron guard rails.

Approval of one Modification through Historic Design Review:

- Side building setbacks, to reduce the 5'-0" setback to 2'-0" for the balustrade pilasters, 2'-4" to the garage wall, and 3'-6" to the 14'-0" tall pergola posts.

Approval per the stamped Exhibits C-1 through C-9, signed and dated June 17, 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-C.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-108226 HDZM. No field changes allowed."

Decision rendered by:  on June 17, 2008

By authority of the Director of the Bureau of Development Services

Decision mailed: June 19, 2008

Staff Planner: Tim Heron

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 February 11, 2008, and was determined to be complete on **March 20, 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 February 11, 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 waived the 120-day review period [Exhibit A.4].

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 July 3, 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. Recognized neighborhood associations are not subject to the appeal fee. 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 Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **July 7, 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
 1. March 12, 2008 narrative
 2. June 11, 2008 letter to neighbor
 3. Revised June 11, 2008 narrative and drawings
 4. June 12, 2008 120-day waiver
 5. National Register Nomination and photo documentation
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Basement Plan, Details
 3. Existing Site Plan
 4. West and North Elevations [attached]
 5. East and South Elevations [attached]
 6. Section Details and Pergola [attached]
 7. Enlarged Elevations at Garage [attached]
 8. East Elevation [attached]
 9. Enlarged balustrade, stair details.
- D. Notification information:
 1. Mailing list

2. Mailed notice

E. Agency Responses:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Bureau of Parks, Forestry Division

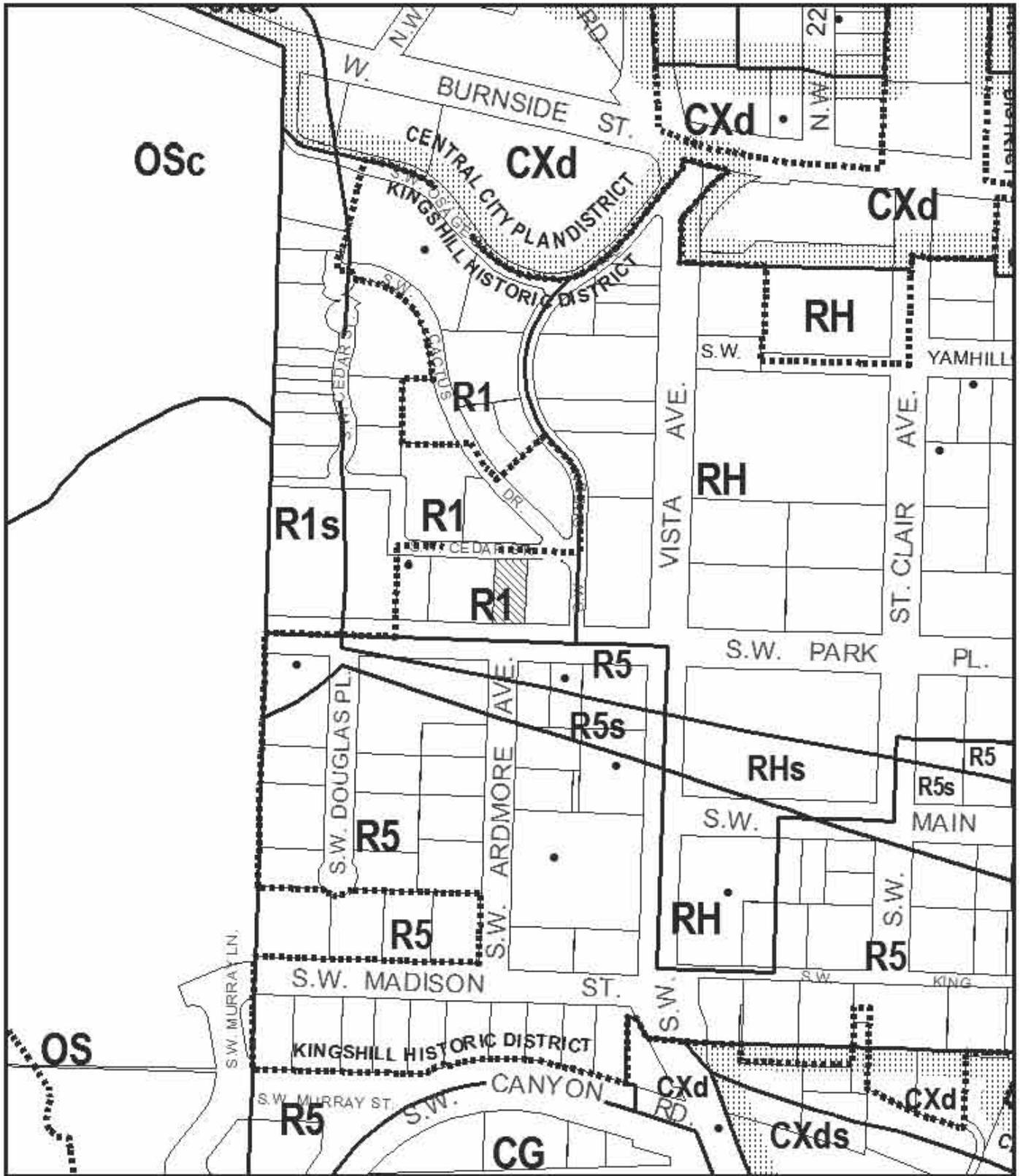
F. Correspondence:

1. Joseph Homann, MD, a neighbor, responded on April 21, 2008 with concerns that of the 5-foot setback Modification and pergola structure.

G. Other:

1. Original LU Application
2. Site History Research
3. February 25, 2008 Incomplete Letter
4. Site photos

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

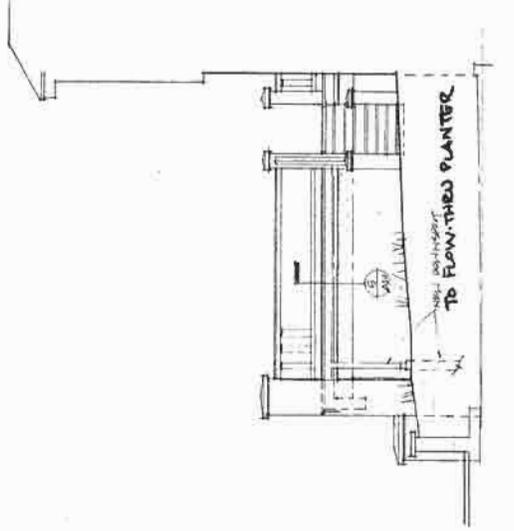
 Historic Landmark



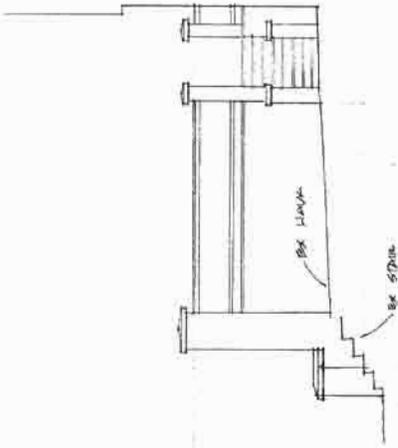
This site lies within the:
KING'S HILL HISTORIC DISTRICT

File No.	LU 08-108226 HDZM
1/4 Section	3027
Scale	1 inch = 200 feet
State Id	1N1E33CC 2800
Exhibit	B (Feb 15, 2008)

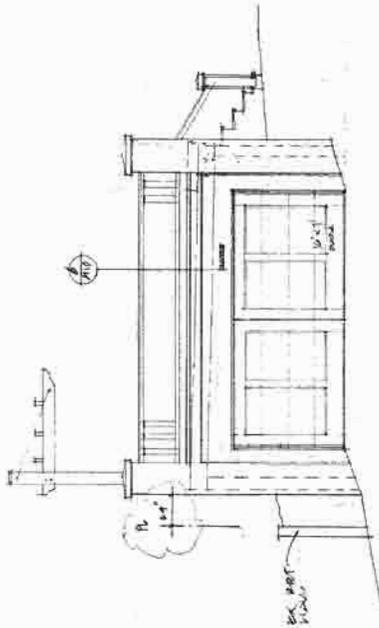
RECEIVED
 JUN 11 2008
 BY



3 NEW WEST GARAGE ELEVATION
 1/4" = 1' - 0"

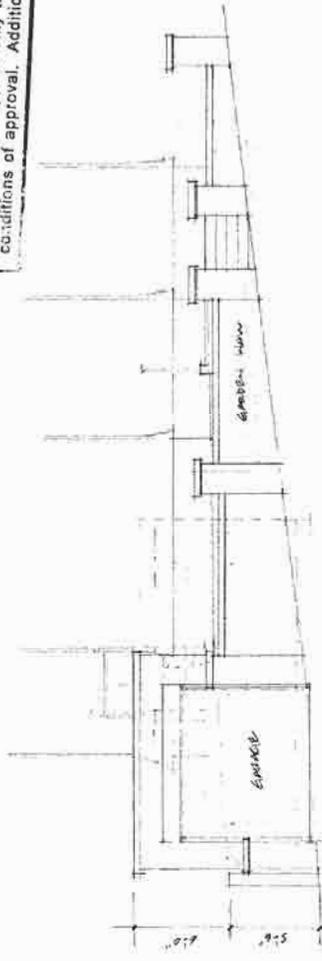


2 SECTION 2 BX SPIRE / HAWK
 1/4" = 1' - 0"

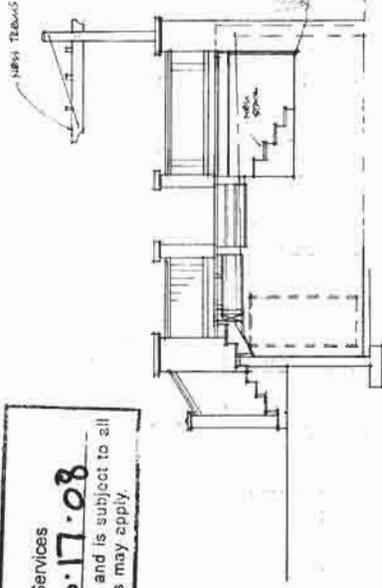


1 NEW NORTH ELEVATION
 1/4" = 1' - 0"

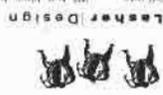
Approved
 City of Portland - Bureau of Development Services
 Planner _____ Date 6.17.08
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



4 EXISTING NORTH ELEVATION
 1/4" = 1' - 0"



5 GARAGE ELEV / SECTION TO NORTH
 1/4" = 1' - 0"

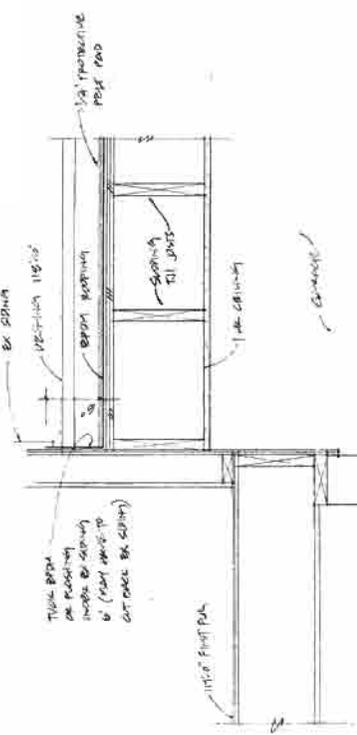


Garage Addition
 2343 SW Park Place
 Portland, OR 97205

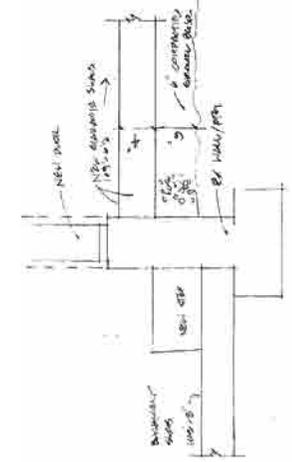
George Hunsicker
 Jack Smith

Drawn: Nov. 15, 2006
 Revised: Feb. 9, '07
 5-28-07

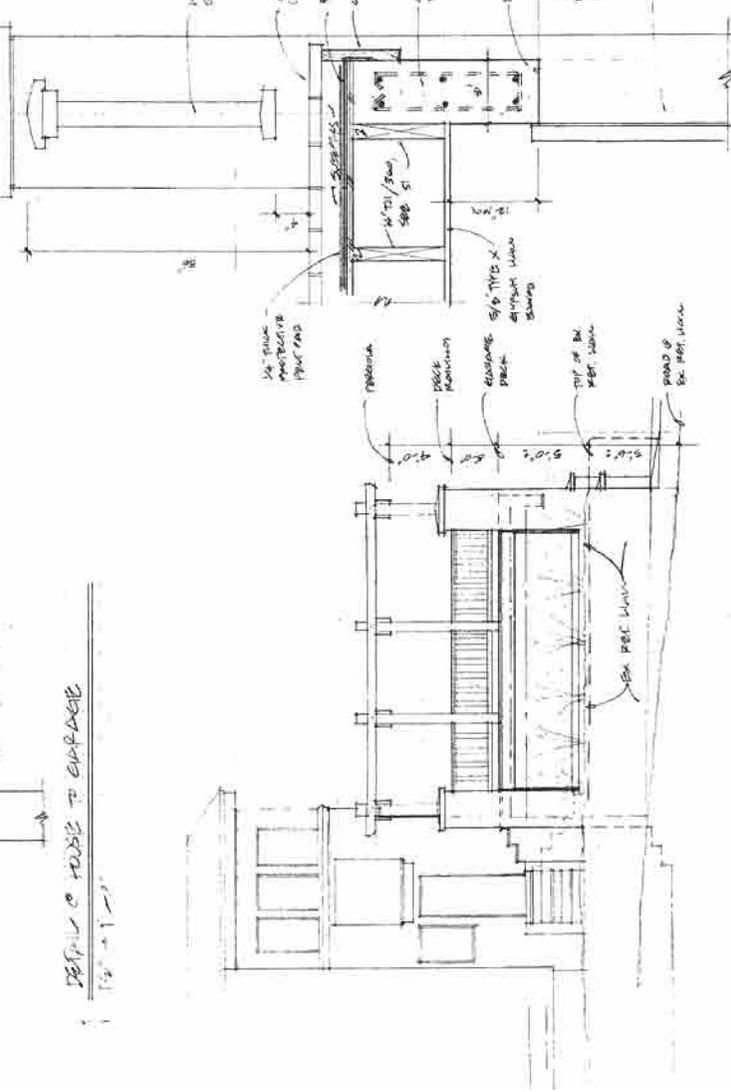
LU 08-108226-HDEM
 EXHIBIT C.7
 A9



5 1 1/2" x 1'-0"
 DETAIL OF HOUSE TO GARAGE



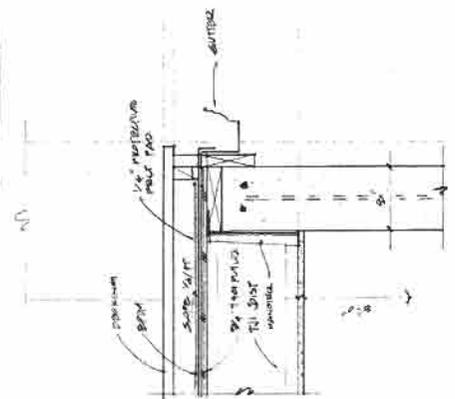
3 1 1/2" x 1'-0"
 PARTING AT GARAGE / HOUSE



5 1 1/2" x 1'-0"
 EAST ELEVATION OF GARAGE

Approved*
 City of Portland - Bureau of Development Services
 Planner _____ Date 6.17.08
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

6 1 1/2" x 1'-0"
 GARAGE DOOR HEADER



7 1 1/2" x 1'-0"
 RAILING & OUTER (WEST SIDE)

RECEIVED
 JUN 11 2008
 By _____



Lehrer Design
 2343 SW Park Place
 Portland, OR 97205

George Brinkman
 George Smith
 George Smith

Drawn: Ann 11, 2006
 Pico: 8/20
 6/11/07

LU 08.108226 HDZM
 EXHIBIT C.8
A10