



City of Portland
Bureau of Development Services
Land Use Services Division

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www.portlandonline.com/bds

Date: April 17, 2009
To: Interested Person
From: Staci Monroe, Land Use Services
503-823-7870 / Staci.Monroe@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 08-109510 DZM- DESIGN REVIEW WITH A MODIFICATION FOR ALTERATIONS TO EXISTING RESIDENCE

GENERAL INFORMATION

Applicant: Dan Jones (owner)
1716 SE Park Crest Avenue
Vancouver, Wa 98683

Representative: Michael Susak, 503-888-2333
Builders Realty Group
3900 SW Pendleton Street
Portland, OR 97221

Site Address: 2200 SE 48TH AVENUE

Legal Description: BLOCK 6 LOT 9, TABASCO ADD
Tax Account No.: R818101980
State ID No.: 1S2E06CD 07202
Quarter Section: 3235

Neighborhood: Richmond, contact Douglas Klotz at 503-233-9161.
Business District: Division-Clinton Business Association, contact Darice Robinson at 503-233-1888.

District Coalition: Southeast Uplift, contact Cece Hughley Noel at 503-232-0010.
Plan District: None
Zoning: R5 - Single Dwelling Residential 5,000
Case Type: DZM - Design Review with a Modification
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant seeks Design Review approval for exterior changes made to an existing residence that differ from a previously approved Design Review (05-150525 DZM). Review of these

changes was initiated after a complaint was received by the Code Compliance Division (Case file No. 07-173601 CC) regarding the garage door, which did not match the one previously approved in terms of operation (carriage doors versus automatic). These changes included in this review are as follows:

- Replace approved carriage, manually operated doors with a “Wayne Dalton” wood (painted) automatic roll-up door with upper lights;
- Replace approved stair landing at rear door with 15’x7’ deck;
- Extend shingles on upper area of the gable end to midpoint of the front window and add a belly band;
- Replace decorative wood railing on front balcony with cast iron railing;
- Replace concrete retaining wall on both sides of the front balcony columns in front of the garage with a stone clad wall and add stone veneer at base of front façade;
- Add knee brackets under eaves on gable end; and
- Removal of the lower belly band on all facades.

In addition, this previous approval included a Condition that required a trellis to be constructed at the based of the entry stair as a way to better announce the main entrance door which was setback on the side of building. However, this trellis was never constructed. A detail of this trellis has been provided as part of this review and will be required to be installed as part this review.

The application also includes the following Modification request:

1. Building Coverage (Section 33.110.225) – The maximum building coverage allowed for this 1,250 SF site is 40% of its area thus 500 SF. The addition of the 15’x7’ at the rear of the residence increases the building coverage to 667 SF (53%).

Alterations to a previously approved Design Review and modifications to the Additional Development Standards for Lots of Record created before July 29, 1979 require Design Review per Zoning Code Section 33.110.213.C.

Relevant Approval Criteria:

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

- 33.825 Design Review
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- Community Design Guidelines

ANALYSIS

Site and Vicinity: The 1,250 square foot lot is developed with a 3 story residence constructed in 2006. The property is a legal lot of record (Lot 9 of Block 6) of the Tabasco Addition which was platted on April 4, 1890. Lot 9 measures 1,250 square feet in area and 25 feet in width located on the east side of SE 48th Avenue. Houses facing onto this side of the street were built between 1904 and 1919 according to Multnomah County records. The house styles include Bungalow, Craftsman, and folk Victorian, and range in width at the street lot from approximately 24 to 38 feet. These houses are also sited at or near the street lot line with front entry porches that vary in width and depth.

Zoning: The single-dwelling **R** zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the Comprehensive Plan policies and designations for single-dwelling housing. The **R5** zone is a single dwelling zone that in general is comprised of one dwelling unit per 5,000 square feet of site area. However, additional development standards listed in section 33.110.213 standards allow new houses on small and narrow lots. In the R5 zone this applies to lots, lots of record, or combinations of lots or lots of record that were created before July 26, 1979 and are: a. Less than 3,000 square feet in area; or b. Less than 36 feet wide, measured at the minimum front building setback line.

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

- LU 05-150525 DZM: Approval of a 2005 Design Review with Modifications for a new residence including modifications to building coverage, main entrance, front building and garage setbacks, main entrance location and covered accessory structure setbacks.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **July 16, 2008**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Bureau of Parks-Forestry Division
- Bureau of Transportation Engineering

The Plan Review Section of BDS responded with the following comment (see Exhibit E-1 for additional details):

1. Based on the information provided, there appears to be no conflicts between the proposal and applicable building codes for the purpose of obtaining an LU approval.
2. A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center -1900 SW 4th Ave, 1st floor, between the hours of 7:30 AM and 3:00 PM Monday through Friday and also 5:00 PM to 7:30 PM Thursday evening (no appointment necessary.) Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.

The Site Development Section of BDS responded with the following comment (see Exhibit E-2 for additional details):

1. Site Development is unable to support the change to replace the approved stair landing at the rear door with a 15’ X 7’ deck unless a plumbing code appeal is granted to allow the deck to be located within the drywell setback.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 16, 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

(1) Design Review - Chapter 33.825

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 Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality**, which establishes Portland's urban design framework; **(E) Pedestrian Emphasis**, which states that Portland is a city for people as well as cars and other movement systems; and **(D) Project Design**, which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

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

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

D7. Blending into the Neighborhood. Reduce the impact of new development on established neighborhoods by incorporating elements of nearby, quality buildings such as building details, massing, proportions, and materials.

Findings for P1 and D7: The changes to the building's exterior are in keeping with the overall design and style of the residence, which incorporates details found in the neighborhood. The Richmond Neighborhood has a mixture of house styles including Bungalow, Craftsman and folk Victorian. The new garage door includes details that are traditional to the neighborhood. The knee-bracketing under the eaves is similar to that found on Craftsman style homes. The other changes result in more detail on and articulation of the street-facing façade which is typical of the home styles within the Richmond area. *These guidelines are therefore met.*

E1. The Pedestrian Network. Create an efficient, pleasant, and safe network of sidewalks and paths for pedestrians that link destination points and nearby residential areas while visually and physically buffering pedestrians from vehicle areas.

D4. Parking Areas and Garages. Integrate parking in a manner that is attractive and complementary to the site and its surroundings. Locate parking in a manner that minimizes negative impacts on the community and its pedestrians. Design parking garage exteriors to visually respect and integrate with adjacent buildings and environment.

Findings for E1 and D4: The change in the garage door is both in operation and style. Due to the close setback of the garage entrance to the sidewalk (4'-0") it was previously determined that a carriage operated garage door would be safe for pedestrians by requiring the driver to physically open the garage door thereby witnessing any potential pedestrian conflicts in the process. However, an automatic door is desired by the applicant and is acceptable to the Bureau of Transportation. The automatic door would not require the vehicle to remain in the street within the sidewalk/pedestrian zone while the driver operated the doors thus not temporarily impeding the surrounding and adjacent pedestrian and vehicle zones. The design of the new garage doors is in keeping with style of the previous approval with wood construction, a pair of upper window lights and a vertical wood panel design. *These guidelines are therefore met.*

E3. The Sidewalk Level of Buildings. Create a sense of enclosure and visual interest to buildings along sidewalks and pedestrian areas by incorporating small scale building design features, creating effective gathering places, and differentiating street level facades.

Findings: The changes to the ground level of the street-facing façade include replacing the concrete base with horizontal wood lap siding, installing stone veneer on the lower 3'-0" of the building and changing the garage door. The continuation of the horizontal wood siding, a higher quality material than concrete, is brought down to the pedestrian

level and the stone veneer anchors the building by providing a base and creating interest on this facade. The new garage door looks very similar to the existing door in that its scale is broken down with paneling and pairs of gridded window lights in the upper portion of the doors. *This guideline is therefore met.*

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

Findings: The entry trellis at the base of the stairs leading to the main entrance announces the location of the main entrance located in the side of the building and is an interesting architectural features that ties in with the other wood elements on the building, including the entry stair. *This guideline is therefore met.*

D6. Architectural Integrity. Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.

D8. Interest, Quality, and Composition. All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings for D6 and D8: The changes to the exterior of the building are in keeping with the design of the residence and its elements, resulting in a coherent composition:

- The expansion of the shingled area within the upper gable on the street-facing facade, in addition to the stone veneer added to the base, provides more variation in the exterior materials and creates a more interesting composition.
- The decorative metal railing on the front balcony is a high quality, long-lasting material and a light element that adds interest to the front facade.
- The addition of knee brackets under the gable provides additional detail to this simple residence that is reminiscent of older architecture within the neighborhood.
- Removal of the belly band along the lower level does not adversely impact the mass of the building as the stone veneer on the base and the expansion of the shingles at the top serve to further break down and articulate the facade of the 3 story building. The belly band on the upper level was also moved higher up, to the midpoint of the window, which serves as a clean transition to the two exterior materials (horizontal siding and wood shingles).
- The garage door design is similar the existing condition, however, it is of wood construction which is a higher quality material than the existing vinyl door installed and complements the other wood elements on the building.

These guidelines are therefore met.

**(2) Modifications Requested Through Design Review – Chapter 33.825.040
33.825.040 Modifications That Will Better Meet Design Review Requirements:**

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. **Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Modification #1: Building Coverage (Section 33.110.225) – The maximum building coverage allowed for this 1,250 SF site is 40% of its area thus 500 SF. The addition of the 15'x7' at the rear of the residence increases the building coverage to 667 SF (53%).

Purpose: These standards increase the compatibility of new houses on small and narrow lots. Specifically, the building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.

Findings: The original design review approval included a modification to exceed the maximum building coverage by 4.9%. The majority of this additional coverage resulted from architectural building features including a covered front balcony, an entry canopy over the main entrance and a landing and stair off the rear door. During construction, however, the rear landing and stair was converted to a 15'x7' deck, which provides a usable outdoor area at the 2nd level of the house. This additional 105 SF is included in the building coverage for the site since its height is over 6'-0". Similar to the other covered porches and balconies on the building, this deck is an architectural feature of the building that does not affect the footprint of the residence as it is not floor area. The open work design of the deck with no roof, an openwork railing and only posts underneath, result in a light, transparent element that does not add to the bulk of the structure. The deck is in line with the side building walls meeting the 5'-0" setback from the rear and side property lines. Its transparency and integration with the house fits within in the neighborhood and does not overwhelm the adjacent houses thus meeting the intent of the standard. Furthermore, the material and style of the deck match the covered balcony and side entry, providing a cohesive design and interest to the rear façade of the building better meeting Design Guidelines D6 (Architectural Integrity) and D8 (Interest, Quality, and Composition). *This modification therefore warrants 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 design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposed exterior alterations are in keeping with the architectural style of the existing structure and the residential character of the neighborhood. The modification warrants approval as it does not add to the bulk of the building due to its light and transparent design. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the following exterior changes:

1. Replace approved carriage, manually operated doors with a "Wayne Dalton" wood (painted) automatic roll-up door with upper lights;
2. Replace approved stair landing at rear door with 15'x7' deck;
3. Extend shingles on upper area of the gable end to midpoint of the front window and add a belly band;
4. Replace decorative wood railing on front balcony with cast iron railing;
5. Replace concrete retaining wall on both sides of the front balcony columns in front of the garage with a stone clad wall and add stone veneer at base of front façade;
6. Add knee brackets under eaves on gable end; and
7. Removal of the lower belly band on all facades.

Approval of the following Modification:

1. Building Coverage (Section 33.110.225) - A modification to increase the maximum building coverage to 53%.

Per the approved drawings, Exhibits C-1 through C-5, signed and dated April 14, 2009, 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-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-109510 DZM. No field changes allowed."
- B. Applicant must obtain approval for encroachment on the drywell protection zone through the Plumbing Appeal process prior to final sign-off of the building permit.

Decision rendered by:  on April 14, 2009.

By authority of the Director of the Bureau of Development Services

Decision mailed: April 17, 2009

Staff Planner: Staci Monroe

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 15, 2008, and was determined to be complete on **July 11, 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 15, 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 waived the 120-day review period, as stated with Exhibit A-1.

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 May 1, 2009** 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 **May 4, 2009 – (the first business 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.

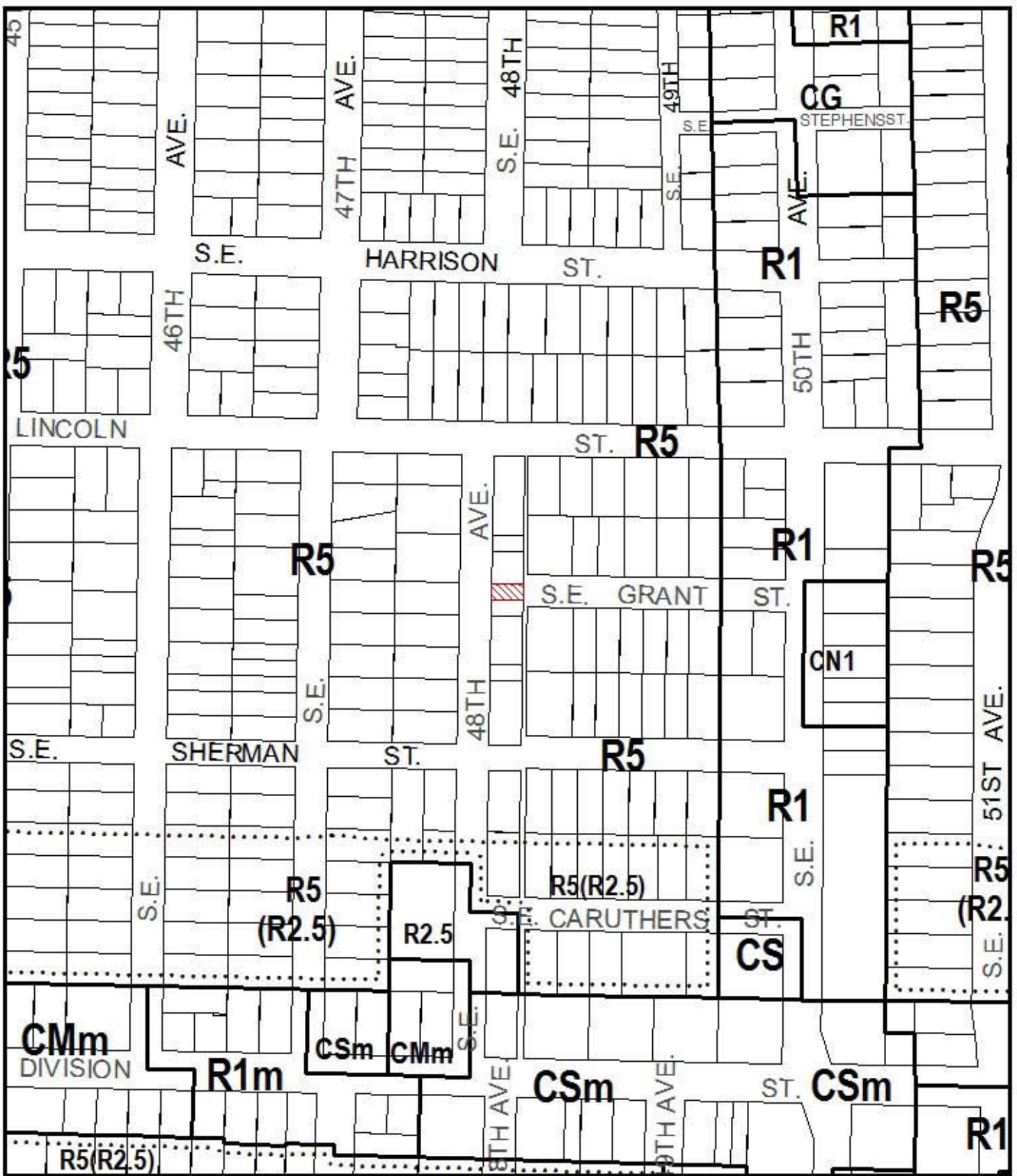
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. 120-day Review Waiver
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Front Building Elevation (attached)
 - 3. Trellis Elevation Detail
 - 4. Trellis Floor Plan
 - 5. Garage Door Detail
- D. Notification information:

1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Plan Review Section of BDS
 2. Site Development Review Section of BDS
- F. Correspondence: none
- G. Other:
1. Original LU Application
 2. Site History Research

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).

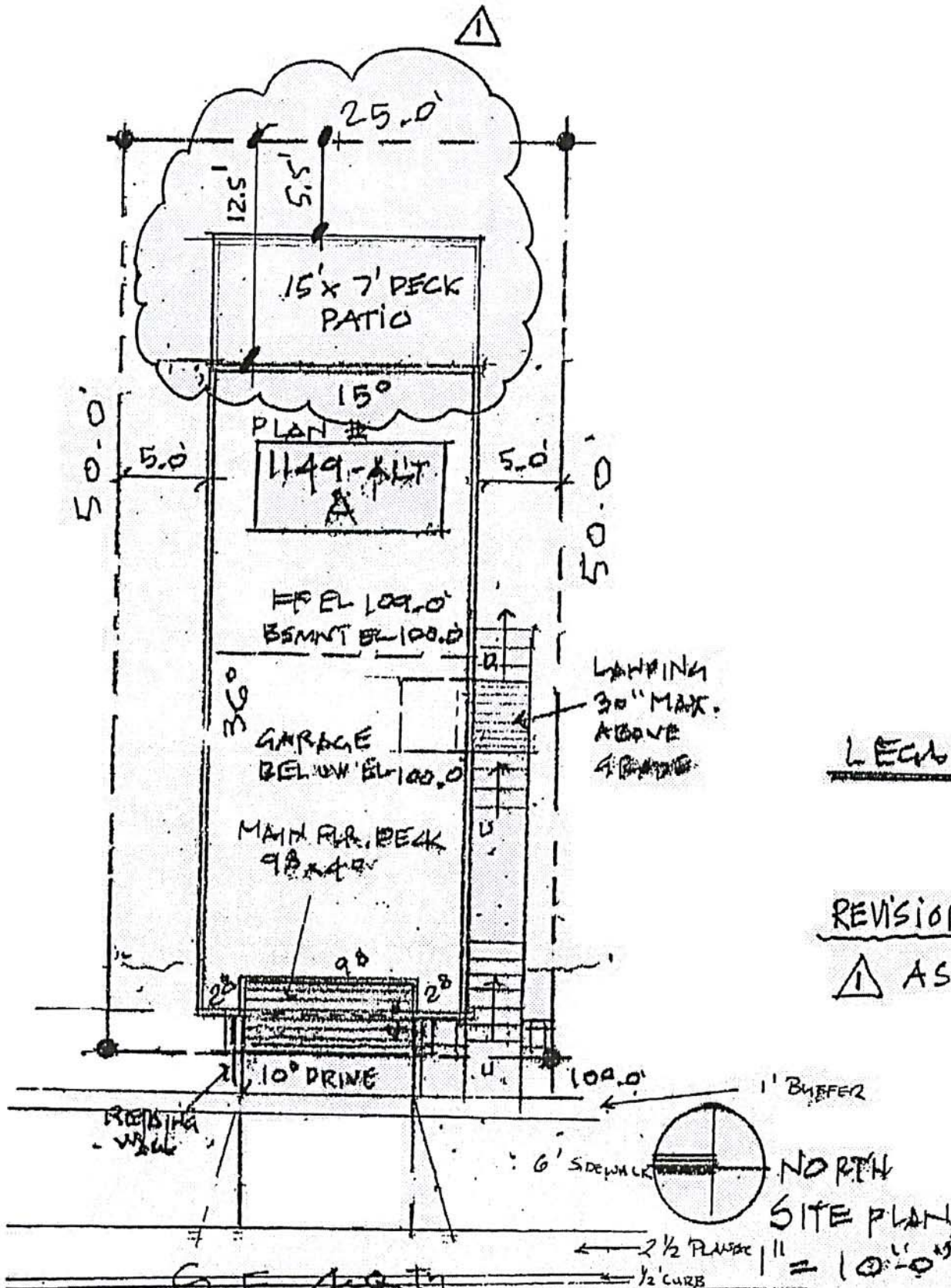


ZONING

 Site



File No.	LU 08-109510 DZM
1/4 Section	3235
Scale	1 inch = 200 feet
State_Id	1S2E06CD 7202
Exhibit	B (July 9, 2008)

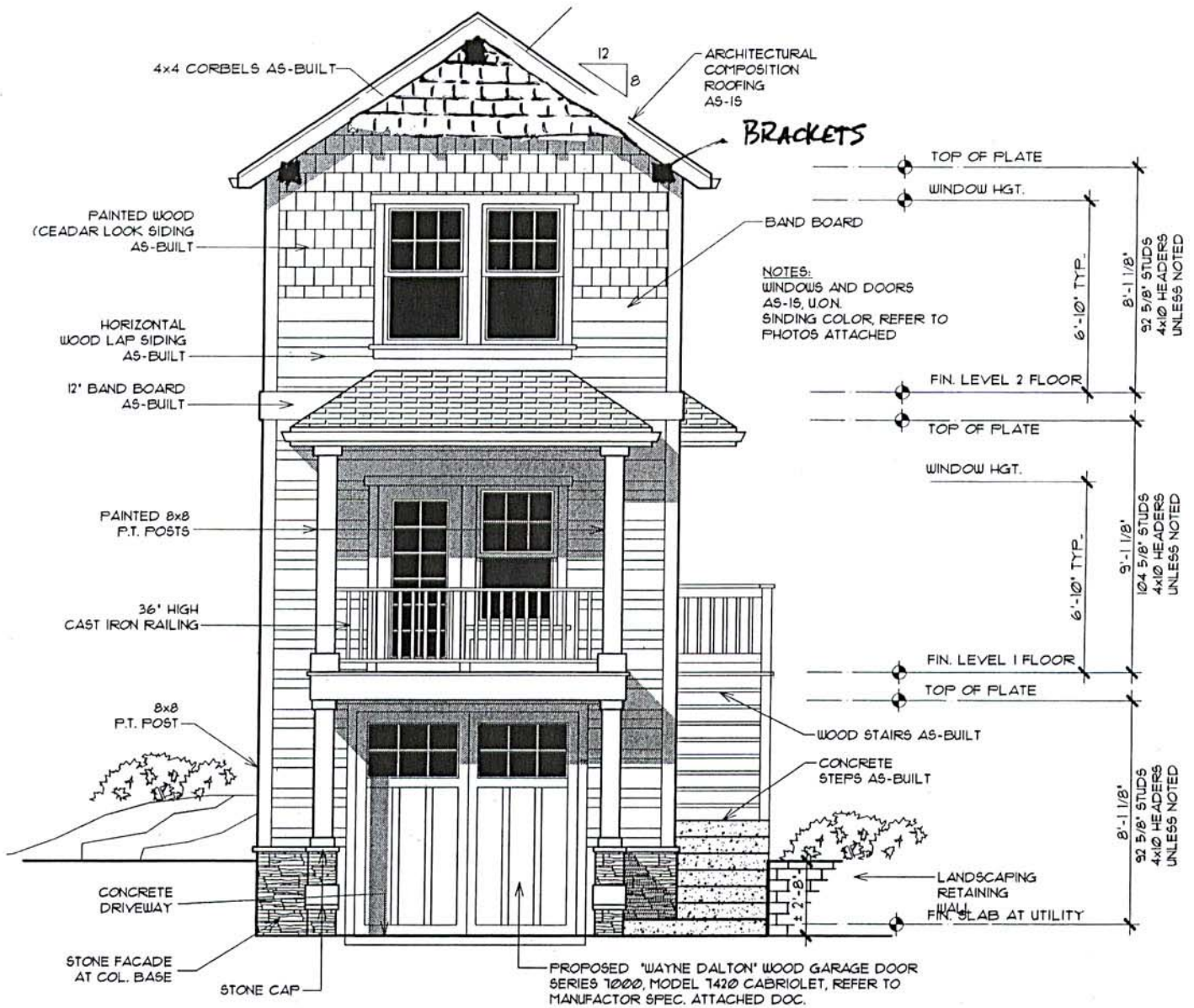


LEVEL 2

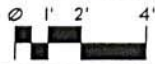
REVISION:
 ▲ AS-BUILT

Approved*
 City of Portland - Bureau of Development Services
 Planner DWS for Staci Monroe Date 4.14.9
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CASE NO. 08-109510 BZH
 EXHIBIT C-1



FRONT ELEVATION



Approved

City of Portland - Bureau of Development Services

Planner DKS for Staci Monroe Date _____

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

DK HOMES, LLC.

SITE ADDRESS:

**2200 SE 48TH AVE
PORTLAND, OR 97215**

CONCEPT
Design & Associates

12929 S.E. DIVISION ST., SUITE 102 -
PORTLAND - OREGON 97236
PHONE: 503-762-4102 FAX: 503-761-7617

CASE NO. 08-109510 D2M
EXHIBIT C-2