



City of Portland, Oregon
Bureau of Development Services
Land Use Services

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: May 8, 2009
To: Interested Person
From: Mark Walhood, City Planner 503-823-7806
mwalhood@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 09-115642 HDZM –
ERSKINE RESIDENCE DRIVEWAY/WALLS**

GENERAL INFORMATION

Applicant: Leon Burry-Trice (503) 241-2556
Burry-Trice Architects
5428 NE 30th Avenue
Portland, Oregon 97211

Owners: Nicholas Jones and Rebecca Zenk-Jones (503) 241-0609
2229 SW Kings Court
Portland, OR 97205

Site Address: 2229 SW KINGS COURT

Legal Description: LOT 3&4 BLOCK 2, JOHNSONS ADD
Tax Account No.: R431600150
State ID No.: 1N1E33CD 06300
Quarter Section: 3027

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

Zoning: **RH** (High-Density Residential) **and R5** (Single-Dwelling Residential 5,000), **King's Hill Historic District**

Case Type: **HDZM** (Historic Design Review with Modification through Historic Design Review)

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

Proposal: The applicant requests historic design review approval for changes to a historic contributing structure in the King's Hill Historic District. Proposed changes include the removal of an existing retaining wall that borders the off-street parking area at the southeast corner of the property and the construction of a new retaining wall approximately five feet to the west. The new retaining wall would have a stucco finish and brick caps to match the materials and finish of the existing retaining wall. Smaller retaining walls are also proposed that would shield the garbage storage area at the southeastern corner of the residence; these too would be stucco with brick caps. These changes would result in a slightly wider driveway (increasing from about 10 to 15 feet wide).

Other proposed changes include the construction of a replacement wooden slat rail fence along the new retaining wall and the installation of planters and grass pavers in the off-street parking area, approximately 10 feet into the property, beyond a concrete driveway apron. A single on-site tree at the southeast corner of the front yard will be removed, and replaced with a new tree. Two at-grade planters are proposed for the front driveway area, adjacent to the new grass pavers at the parking area. The only proposed alterations to the historic residence itself include the point of attachment of the three new concrete walls to the brick foundation of the home. Because the proposal involves exterior alterations within an Historic District, Historic Design Review is required.

The reconstructed fence atop the west retaining wall will match the design of the existing fence along the front property line, constructed some time in the past and designed by Richard Painter. The fence is approximately 6 feet tall, and the entry arbor slightly taller. Regulations of the R5 zone, applicable to the east half of the site, limit the height of fencing and other structures in the 10-foot front setback to no more than 3 ½ feet tall (33.110.255.C). Unfortunately, the portions of the entry arbor and fence along the street have never received the necessary permits or height adjustment in the past. Therefore, in order to legalize the fencing and arbor in the front setback on the east half of the site, a Modification has been requested to the fence height standard.

STORMWATER: The area of new impervious surfaces is 466 square feet. The parking area (versus apron) of the expanded driveway will be resurfaced in a manufactured grass paver system.

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 the *King's Hill Historic District Guidelines*.

ANALYSIS

Site and Vicinity: The Wood, Erskine Residence was constructed in 1910 and is a two story residence square in plan with several side additions. The house faces S.W. King's Court and has a low pitched hipped roof with wide, over-hanging eaves. The walls are surfaced with wood shingles. Windows are combinations of four-over-one and six-over one double hung wood sash. The house is secluded behind a slat rail fence and is sited amid a bamboo grove, wisteria and mature Cedar trees. A porch at the second story is formed from the volume of the house and has two simple wood posts and a slat rail balustrade.

The Wood, Erskine Residence is significant for its associations with original owner Erskine Wood (1979-1983) and third owner Alfred Corbett; for its architectural style, and architects, the firm of Whitehouse & Fouilhoux. Wood was one of Portland's most notable figures, whose career as lawyer, poet and writer spanned over 80 years. Alfred Corbett was active in Oregon politics, and was an Oregon democratic Congressional Representative in 1952. The architectural firm of Whitehouse & Fouilhoux designed the Wood house in 1910. After Whitehouse & Fouilhoux parted and opened their own practice, Whitehouse went into partnership with A. Glenn Stanton and Walter E. Church, and designed numerous significant buildings and residences in Portland and around the state. These include the U.S. Court

House, Multnomah Athletic Club, Waverly Country Club, Multnomah Golf Club, Oswego Country Club, and Eastmoreland Country Club. Fouilhoux began his own practice in New York City and designed the McGraw-Hill Building, the Daily News Building, the Rockefeller Center Apartments, the Trylon and Perisphere at New York's World Fair, and the Fort Green Housing Development in Brooklyn.

King's Hill Historic District contains numerous styles of architecture constructed during a 60 year span between 1882 and 1942. Styles of architecture include Colonial Revival, Craftsman, and Mediterranean styles. Adjacent to the subject site to the north, south and east are residential properties, and to the west is the Portland Garden Club.

Zoning: The R5 zone is intended to foster the development of single-dwelling residences on lots having a minimum area of 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Fence height is limited to 3½ feet in the 10-foot front setback in the R5 zone.

The RH zone is a high-density multi-dwelling residential zone. Certain retail sales and service and office uses are allowed as conditional uses to provide mixed-use development on larger sites that are close to light rail transit facilities. The maximum residential density is limited to a FAR of 2:1 on this site, and the minimum density is one unit per 1,000 square feet of site area. There is no front setback in the RH zone, and therefore no fence height limit within the first 10 feet from the street.

Land Use History: City records indicate two prior land use reviews:

- *HLDZ 059-90:* Designation of “Kings Hill Historic District” as a National Register Historic District; and
- *LU 08-171046 HDZ:* Approved Historic Design Review for alterations to the house, including removing and replacing windows on the South, East and West elevations, removal of a door and porch on the East elevation, and the installation of a new exterior door in the basement, per the approved drawings.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **October 27, 2008**.

The following Bureaus have responded with no issues or concerns:

- The *Development Review Division of the Portland Bureau of Transportation;*
- The *Fire Bureau;* and
- The *Urban Forestry Division of Portland Parks and Recreation.*

Several Bureaus responded with specific comments:

- The *Site Development Section of the Bureau of Development Services* (Exhibit E.1) has no objection to the requested land use review. The following information is advisory and provided for the benefit of the applicant:

Stormwater management: Stormwater runoff from impervious areas (rooftops, parking lots, driveways, roads, sidewalks, and pedestrian plazas) must be managed with onsite stormwater facilities to the maximum extent practical. However, based on the soils in this area, Site Development does not recommend onsite infiltration at this location.

City records (Permit 15306, June 26, 1950) show a rain drain for the house is connected to a catch basin on the north side of the residence. The Bureau of Environmental Services (BES) response notes this system is connected to a private sewer line located in SW Kings Court.

The development plan shows grass pavers are proposed for the driveway surface, and planters are proposed to be installed adjacent to the driveway. It is unclear if these features are intended to serve as stormwater management facilities for the proposed

project. Onsite infiltration facilities will not be approved at this location. At the time of permit review, a utility plan and stormwater report will be required to address stormwater management for the proposed project.

BES must approve any additional stormwater discharge to the public system. See the BES response for further information about stormwater management requirements.

Retaining walls: A building permit and structural engineering calculations are required when constructing a retaining wall that is more than four feet high, measured from the bottom of the footing to the top of the wall.

- The *Bureau of Environmental Services* (BES) has no objection to the proposed design review, but has provided informational comments (Exhibit E.2):

Sanitary Services

1. There is no existing public sewer directly available to the existing house. There is an 8-inch public combination sewer line that goes south from the intersection of SW Kings Court and SW Claire Avenue.
2. The existing house is served through an existing private 6-inch case iron line in SW Kings Court connected to the manhole at the intersection of Kings and Clair. This is a nonconforming connection but was granted permissible under 1954 Ordinance 118826 until which time sanitary access is directly available.

The sanitary requirements do not appear to affect the proposed design review.

Stormwater Management & Water Resources

The stormwater runoff generated from the proposed development must meet the requirements of the City of Portland Stormwater Management Manual (SWMM) current at the time of building plan review. Copies of the 2008 SWMM are available at the City of Portland Development Services Center, 1900 SW 4th Ave. (\$25 for hard copy or free CD). The Manual can also be located on the internet at www.portlandonline.com/bes/2008SWMM. The applicant may also contact BES with any questions or for additional information.

1. There is no storm only sewer pipe available to this lot.
2. All projects must address the Stormwater Infiltration Discharge Hierarchy (pages 1-10 of the 2008 Stormwater Management Manual). Further review will be necessary at time of building permit.
 - a. For any size development, the applicant is required to indicate a discharge point. The infiltration discharge hierarchy states that onsite discharge is required where feasible, and with approval from BDS Site Development.
 - b. Impervious area reduction techniques including pervious pavements or ‘manufactured grass paver systems’ are recommended where infiltration rates are adequate, as approved by BDS Site Development. Please note that pervious pavements are not approved to take runoff from separate impervious areas.
 - c. If onsite infiltration is inadequate, as approved by BDS Site Development, offsite discharge to the sewer will be required.
 - i. If the development/redevelopment is less than or equal to 500 square feet *and* there is record of a historical connection to the sewer, the applicant is able to direct the additional stormwater to the sewer without pollution reduction or flow control.
 - ii. If the development/redevelopment exceeds 500 square feet *or* if there is not historical connection, the applicant will be required to provide pollution reduction or flow control prior to discharge to the sewer.
3. Existing stormwater management for the house or garage was not submitted with the application. According to 1950 City of Portland plumbing records (see ‘Historical Permits’ under ‘Property’ tab in Portlandmaps.com) a portion of the house’s rain drains were connected to the sewer line.

The stormwater management requirements do not appear to affect the proposed design review.

Conditions of Approval: BES has no conditions of approval.

Building Permit Information

1. At the time of building permit, the applicant will need to identify an appropriate discharge point pursuant to the requirements of the current Stormwater Management Manual.
2. Building plans for this project must include a detailed site utility plan, which shows proposed and existing sanitary connections and stormwater management that meets the requirements of the SWMM in effect at the time of permit submittal.

Additional Information

1. Clean River Rewards, Portland's stormwater discount program, arrived in Fall 2006. The program offers discounts up to 100% of the City's on-site stormwater management charge to ratepayers who manage stormwater runoff on their property. The discount is calculated on a sliding scale for how much and how well properties manage stormwater on-site. To qualify, you will need to register your property and describe how you manage stormwater runoff. The Bureau of Environmental Services is offering workshops to ratepayers who want to learn more about stormwater management, and want to get the most out of the stormwater discount program. To learn more about the program and discounts, go to www.cleanriverrewards.com. The website includes a calculator you can use to assess your discount, if applicable.
- The *Water Bureau* has no objection to the proposed retaining walls and driveway widening, nor any requested conditions of approval. The Water Bureau notes that as there are no new proposed water services, nor changes to existing ones, no concerns are noted at this time. The site is served from the 4-inch water main in SW Kings Court. The static water pressure range at this location is estimated to be 46 to 57 psi. Exhibit E.3 contains staff contact information.
 - The *Life Safety* (Building Code) *Section of the Bureau of Development Services* has provided preliminary Building Code information. A complete Life Safety plan review will be provided at the time of Building Permit submittal. 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 can be obtained at the Development Services Center, online at www.portlandonline.com/bds, or by calling 503-823-1456. Exhibit E.4 contains staff contact and additional information.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 10, 2009. No letters have been received from notified property owners, the neighborhood association, or the Oregon State Historic Preservation Office.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

Purpose of Historic Design Review

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

Historic Design Review Approval Criteria

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

Findings: The site is located within the King's Hill Historic District. Therefore the proposal requires historic design review approval. The relevant approval criteria are the King's Hill

Historic District Guidelines.

King's Hill Historic District Guidelines

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

- Area Character
- Pedestrian Emphasis
- Project Design

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

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

A2. Architectural Styles. Maintain the architectural integrity of historic building facades. 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.

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

Findings for A1 through A3, and A5: The proposed brick-capped and stucco-faced retaining walls will match the design of the existing retaining walls on the property. No significant changes are proposed to the house design with this application, with the exception of the point of attachment of the two retaining walls on the east face of the brick basement foundation walls. The essential form and integrity of the home will remain intact, and the new walls abutting the foundation could be removed if necessary in the future. Although not specifically identified as having historical significance, the form, materials, and design of the wood fence along the street lot line will be preserved by reconfiguring the fence to sit atop the new retaining wall.

Therefore, these guidelines are met.

P1. Stopping and Viewing Places. Place buildings to provide stopping and viewing places that contribute to the district's historic character.

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.

P3. Landscaping of Off-Street Parking Lots. Incorporate landscaping as an integral element of design in and around surface parking lots. Use landscaping to enhance the site and unify it with adjacent sites. Define surface lots by creating clear edges.

Findings for P1 through P3: The partially sight-obscuring fence along the street lot line provides some views into the property, but such views are largely obscured by an almost continuous dense planting of bamboo. The main entry to the site is marked by a wood trellis structure near the center of the property, and a shallow concrete foyer adjacent to the sidewalk, under the trellis. The enlarged driveway will provide slightly increased views into the site from the street, and create a direct

visual connection between the street and the basement entry door by the driveway. The enlarged single-car parking pad will be partially surfaced in grass-crete pavers, and include two integral at-grade planting areas. The grass paver system and planters will soften the appearance of the parking pad, helping to integrate this area with the otherwise verdant character as viewed from the street.

Therefore, these guidelines are met.

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

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.

D6. Site and Landscape Characteristics. Site new construction to respect and complement historic development patterns in the King’s Hill Historic District. Incorporate landscaping as a design element that integrates with the built and natural environment. When incorporating lighting, integrate it with mature plantings, landscaping, parking areas, and special district features.

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.

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 D1, D5 through D7, and D12: No alterations are proposed to the home, other than the attachment of two walls at the east face of the brick basement foundation to screen the garbage area from the street. These walls could be removed in the future, and include a stucco-faced and brick cap design matching the existing retaining walls on the property. The widened driveway area and re-located retaining wall will preserve the elevated, landscaped character of the property as viewed from the street, and the existing fence design will be replicated atop the re-located retaining wall. Although only a single-car parking pad, the widened parking area will be surfaced with a grass paver system, and include two integral at-grade planting areas, melding hardscape and landscape in a harmonious way. Given the limited 15-foot width of the expanded parking area, versus the 100-foot overall street frontage at the site, the expanded single-car pad and drive will not disrupt or overwhelm the adjacent streetscape.

Therefore, these guidelines are met.

33.846.070 Modifications Considered During Historic Design Review

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.

Findings: The applicant has requested a modification to allow the existing slat rail wooden fence along the street lot line to remain in place, and for a matching reconstructed fence to be placed atop the new retaining wall. Similarly, the existing entry trellis along the street requires legalization. On the eastern half of the site, in the R5 zone, these structures are required not to exceed a height of 3 ½ feet tall (33.110.255.C). The purpose of this fence height regulation, as found at 33.110.255.A, is as follows:

“The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and limit the negative ones.”

Allowing the existing fence and trellis structure to remain in place, and for a replacement fence to be constructed atop the new retaining wall along the expanded driveway will better preserve the existing character of the site than the code-compliant alternative. If the trellis were required to be removed, if the lower fence height was required, the established rhythm and character of the streetscape at the site would be less interesting to pedestrian passersby. For these reasons, legalizing the existing entry trellis and unique wood fence is in keeping with the King’s Hill Guidelines regarding site and landscape characteristics (D6), and fences and retaining walls (D7).

The existing fence design provides for direct views through the wood slats, which are located perpendicular to the street, and which provide direct views into the yard. The dense landscaping beyond the fence, whose height is not regulated, serves more effectively as a green visual barrier to the house beyond than the fence itself. The relatively open, green character of the fence and trellis does not inhibit emergency access, the safe movement of vehicles or people, or result in an attractive appearance. The fence does provide a sense of privacy for the residents of the home, provide some separation from the street, and include a unique design which enhances the appearance of the property. On balance, the fencing and trellis along the street promote the positive aspects of fences, and limit the negative ones.

Therefore, the modification criteria are met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The purpose of the historic design review process is to ensure that alterations to historic structures and sites protect the integrity of the special characteristics of the resource. The

proposed retaining walls, garbage area screen walls, and re-located fencing are consistent with the established character of the home, do not impact the historic home in an irreversible manner, and the parking area integrates landscape elements into the design. Legalizing the over-height wood fence in the front yard is also consistent with the established character of the site, and does not detract from the historic value of the home or neighborhood. The project is able to meet the approval criteria, and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Historic Design Review (33.445.320.A.1) for alterations at the site of the Erskine Wood Residence at 2229 SW Kings Court, in the King's Hill Historic District, including the following elements:

- Removal of an existing retaining wall that borders the off-street parking area at the southeast corner of the site, and construction of a matching new brick-capped and stucco-faced retaining wall five feet to the west;
- Two small walls abutting the east face of the brick basement foundation on the home, with a matching brick-capped and stucco-faced appearance, to provide a garbage screening device;
- Increasing the width of the driveway and parking pad from 10 to 15 feet, including a new grass paving system surface material for the parking space, two integral at-grade planting areas adjacent to the parking pad, and an expanded concrete driveway apron; and
- Reconstruction of the 6'-0" tall wood slat rail fence atop the relocated retaining wall west of the driveway and parking space, matching the materials, design, and height of the existing fence structure along the street lot line.

Approval of a Modification through Historic Design Review to legalize the existing 6'-0" tall wooden fencing and approximately 8'-0" tall entry trellis within the front setback on the easterly R5-zoned portion of the site, and the reconstructed matching 6'-0" tall fence on the new retaining wall, to exceed the height limit of 3'-6" for such structures (33.110.255.C).

Both approvals above are granted based on the approved site plans and details, Exhibits C.1 through C., each being signed and dated May 5, 2009, and subject to the following condition:

- 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 09-115642 HDZ. No field changes allowed."

Staff Planner: Mark Walhood

Decision rendered by:  on **May 5, 2009.**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 8, 2009

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 March 19, 2009, and was determined to be complete on **April 3, 2009.**

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 March 19, 2009.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on August 1st, 2009.**

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 May 22, 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 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 **May 26th, 2009 – (the next 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; *OR*
- *In Person:* Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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

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

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

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

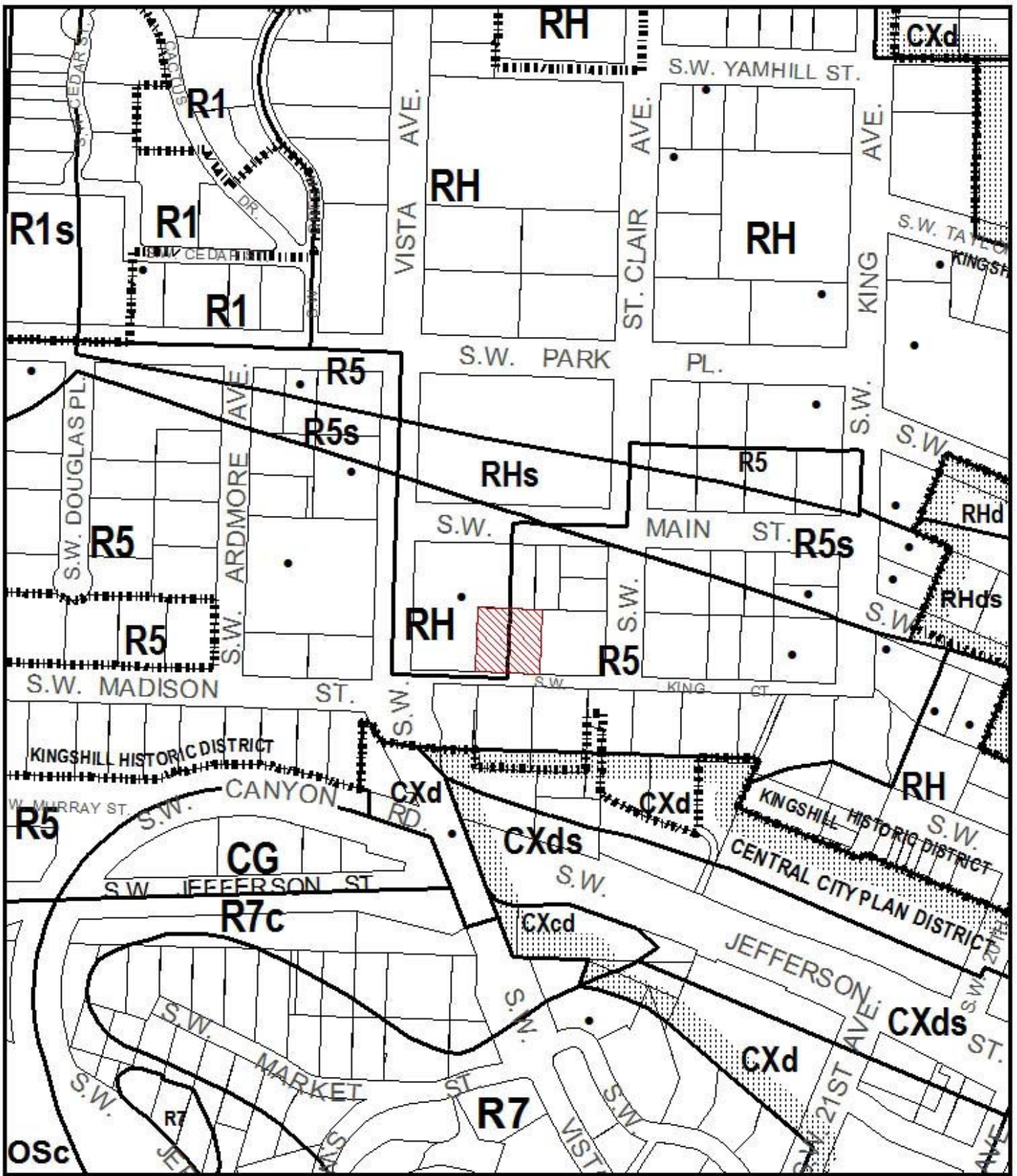
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 - 1. Original Narrative
 - 2. Supplemental Narrative addressing Modification
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing and Proposed Site Plan (attached)
 - 2. Floor and Landscape Plan and Partial South Elevations (attached)
 - 3. Full South and East Elevations (attached)
 - 4. Large/Scalable Plan Set, matching C.1 through C.3 – 3 pages
 - 5. Grass Paver Information
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Site Development Section of the Bureau of Development Services
 - 2. Bureau of Environmental Services
 - 3. Water Bureau
 - 4. Life Safety Section of the Bureau of Development Services
- F. Correspondence:
 - 1. *(none received at time of decision mailing)*
- G. Other:
 - 1. Original LU Application Form, Tax Account Information and Receipt
 - 2. Site History Research
 - 3. Incomplete Letter from Staff to Applicant, sent 4/2/09

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).



ZONING



Site



Historic Landmark



NORTH

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

File No.	LU 09-115642 HDZM
1/4 Section	3027
Scale	1 inch = 200 feet
State Id	1N1E33CD 6300
Exhibit	B (Apr 8, 2009)

1000.241.2334
1000.241.1374

BT | BURRY-TRICE
ARCHITECTS

RS 100 10 10
11 11 11 11
11 11 11 11
11 11 11 11

ALTERATIONS
TO THE

**JONES
RESIDENCE**

2229 SW KINGS COURT
PORTLAND, OREGON
97209

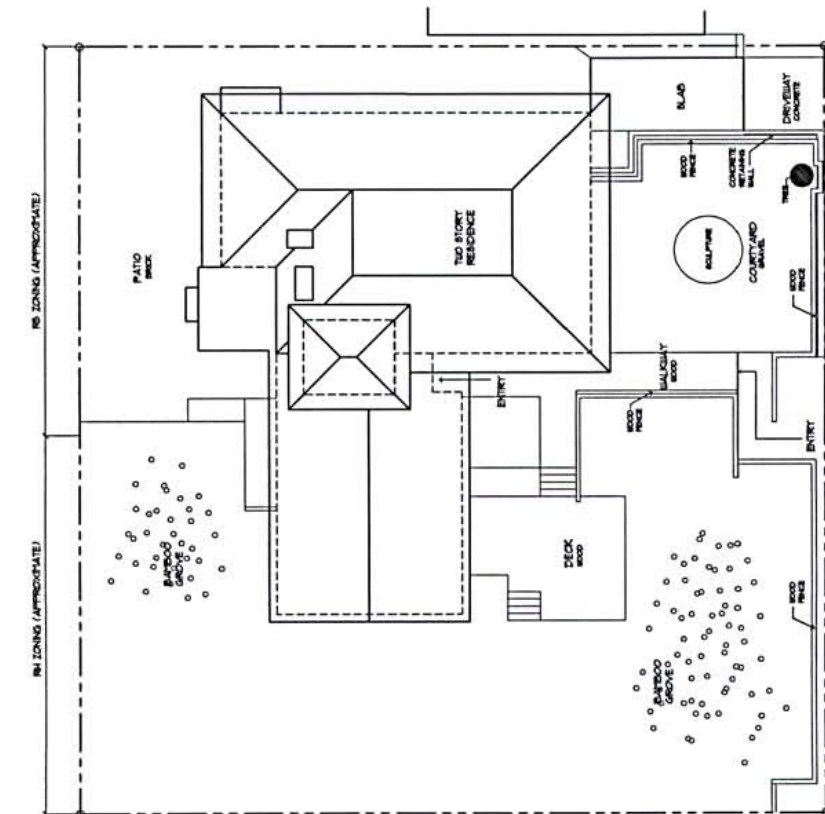
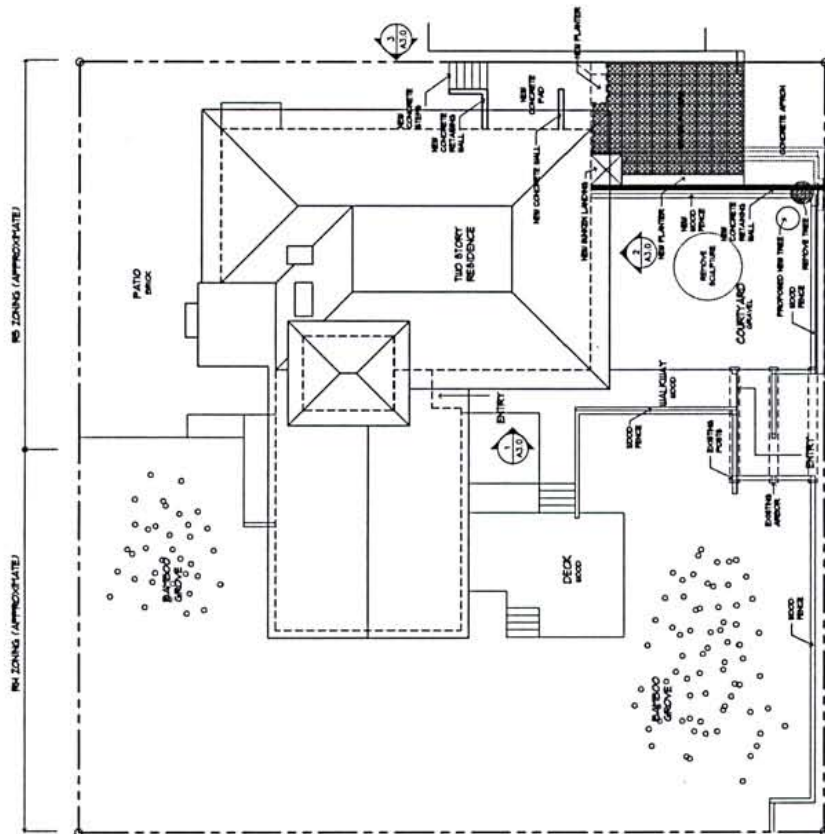


SITE PLAN
VICINITY MAP

SHEET INDEX
A1.0 SITE PLAN & VICINITY MAP
A1.1 FLOOR & LANDSCAPE PLAN
A1.2 EXTERIOR ELEVATIONS

PLOT DATE:
4-9-09

A1.0



1. APPROVED SITE PLAN
1/8" = 1' - 0"

2. PROPOSED SITE PLAN
1/8" = 1' - 0"

Approved

City of Portland - Bureau of Development Services

Planner Marek Wazhoco Date MAY 5, 2009

* This approval applies only to the reviews requested and is not a guarantee of approval. Additional zoning requirements may apply.

Proposal and design as approved
in case file #LU 09-115642 HDZM
No field changes allowed.

CASE NO. LU 09-115642 HDZM

EXHIBIT C.1

