



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: March 29, 2012
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@portlandoregon.gov

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 12-111229 HDZ – BASEMENT GARAGE ENTRY

GENERAL INFORMATION

Applicant: Janet and Eric Parsons
1046 SW King Ave
Portland, OR 97205-1114

Representative: Tobin Weaver 503-222-2234
Jeffrey L Miller Architect PC
834 SW Clair Avenue Suite 202
Portland OR 97205

Site Address: 1046 SW King Avenue

Legal Description: BLOCK 13 TL 8800, AMOS N KINGS
Tax Account No.: R024402310
State ID No.: 1N1E33CD 08800
Quarter Section: 3027
Neighborhood: Goose Hollow, contact Jerry Powell at 503-222-7173.
Business District: Goose Hollow Business Association, contact Angela Crawford at 503-223-6376.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Other Designations: Historic Landmark pursuant to designation as the Wallace McCamant house, on July 1, 1970. It is also a contributing resource in the Kings Hill Historic District.

Zoning: R5s, Residential 5000, with Historic resource Preservation and Scenic overlays

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

Proposal:
The applicant is seeking Historic Design Review approval for a proposal to:

- remove an existing non-historic carport and a non historic wooden exterior stair;
- install a new basement level garage door entry;
- replace an existing door with a window to match others on the house; and
- move two historic windows to align respectively with windows above.

Historic Design Review is required because the proposal is for non-exempt exterior alterations on a Historic Landmark.

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:

- King's Hill Historic District Design Guidelines

ANALYSIS

Site and Vicinity: In addition to being designated as a Portland Historic Landmark, the Wallace McCamant house, the subject property is also evaluated as a contributing resource within the King's Hill Historic District. Completed in 1892, it was designed by the notable Portland architecture firm of Whidden & Lewis in the Colonial Revival style, at which it excelled. Wallace McCamant was a notable local jurist, who served both as a justice on the Oregon Supreme Court and later as a member of the U.S 9th Circuit Court of Appeals. Another claim to fame is that it was McCamant who unexpectedly placed the name of Calvin Coolidge in nomination as vice president at the 1920 Republican Convention, which ultimately resulted in Coolidge's elevation to the presidency upon the death of President William Howard Taft.

The King's Hill Historic District, within which the subject property is located, contains a significant concentration of historic upper middle-class houses and apartment buildings from the period 1882 to 1942. The majority of the contributing resources in the district were built during the great upswing in population and construction following the successful Lewis & Clark Exposition of 1905. Many of the surviving houses are the work of prominent early local architects, representing a broad spectrum of styles from Italianate to Moderne.

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

Zoning: The single-dwelling zones, including R5, 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 Historic Resource Protection Overlay zone protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. 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.

The Scenic Resource zone is intended to protect Portland's significant scenic resources as identified in the *Scenic Resources Protection Plan*; enhance the appearance of Portland to make it a better place to live and work; create attractive entrance ways to Portland and its districts; improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors; and to implement the scenic resource policies and objectives of Portland's Comprehensive Plan. The purposes of the Scenic Resource zone are achieved by establishing

height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.

Public Notice: A “Notice of Proposal in Your Neighborhood” was mailed **February 16, 2012**.

Agency Review: None of the notified Bureaus has responded with any objections.

Neighborhood Review: No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Design Review

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 and the proposal is for a non-exempt treatment. Therefore Historic Design Review approval is required. The approval criteria are the *King's Hill Historic District Guidelines*.

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

King's Hill Historic District Guidelines

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

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.

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

Findings for A1, A5, and D1: The proposed minimal alterations to the resource will not have an adverse effect on its historic character or that of the King's Hill Historic District. The small carport structure proposed for removal is non-historic, and the alterations to the side elevation will either affect non-significant elements such as the basement wall, or will be in character with the architecture of the house, as in vertical alignment of windows and removal of a door and exterior stair. *These guidelines are 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 subject property is elevated approximately three feet above sidewalk grade, and the front yard is retained by a brick wall within the "shy zone" of the right-of-way, between the sidewalk and the front property line. The wall has been in place since

at least 1955, as evidenced by a historic photograph of that date. Because the wall is being repaired and reconfigured slightly at the driveway, an encroachment permit was sought and obtained by the applicant to legalize its location within the right-of-way. The repair and reconfiguration of this retaining wall and an adjoining section along the southern edge of the driveway to the proposed basement garage entry will be executed with bricks and mortar to match the existing wall materials. *This guideline is 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: The proposal as it relates to windows is to move one existing window slightly and replace an existing door with a window to exactly match the style, construction and materials of the historic windows on the house. These alterations are proposed on a side face of the house and are minor enough in nature that they will not have a significant impact on the character of the resource or the King's Hill Historic District. *This guideline is 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 proposal to accommodate parking within the basement of the house will eliminate a small carport at the sidewalk that was originally approved as a compromise alternative to a garage at the same location. The basement garage proposal will improve the visibility of the house from the sidewalk and reverse a somewhat adverse effect on the character of the historic district. *This guideline is 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 proposed exterior alterations will both accommodate the applicant's desire for interior parking and improve the streetscape in the historic district by removing an uncharacteristic structure. The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations, including a basement garage entry, to the Historic Landmark Wallace McCamant house, in the King's Hill Historic District;

Approval per Exhibits C-1 through C-7, signed and dated March 26, 2012, 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-7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-111229 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on March 26, 2012.**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 29, 2012

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 8, 2012, and was determined to be complete on **February 13, 2012.**

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 8, 2012.

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

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 12, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. 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 call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, 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 Historic Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **April 13, 2012**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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

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

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

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

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

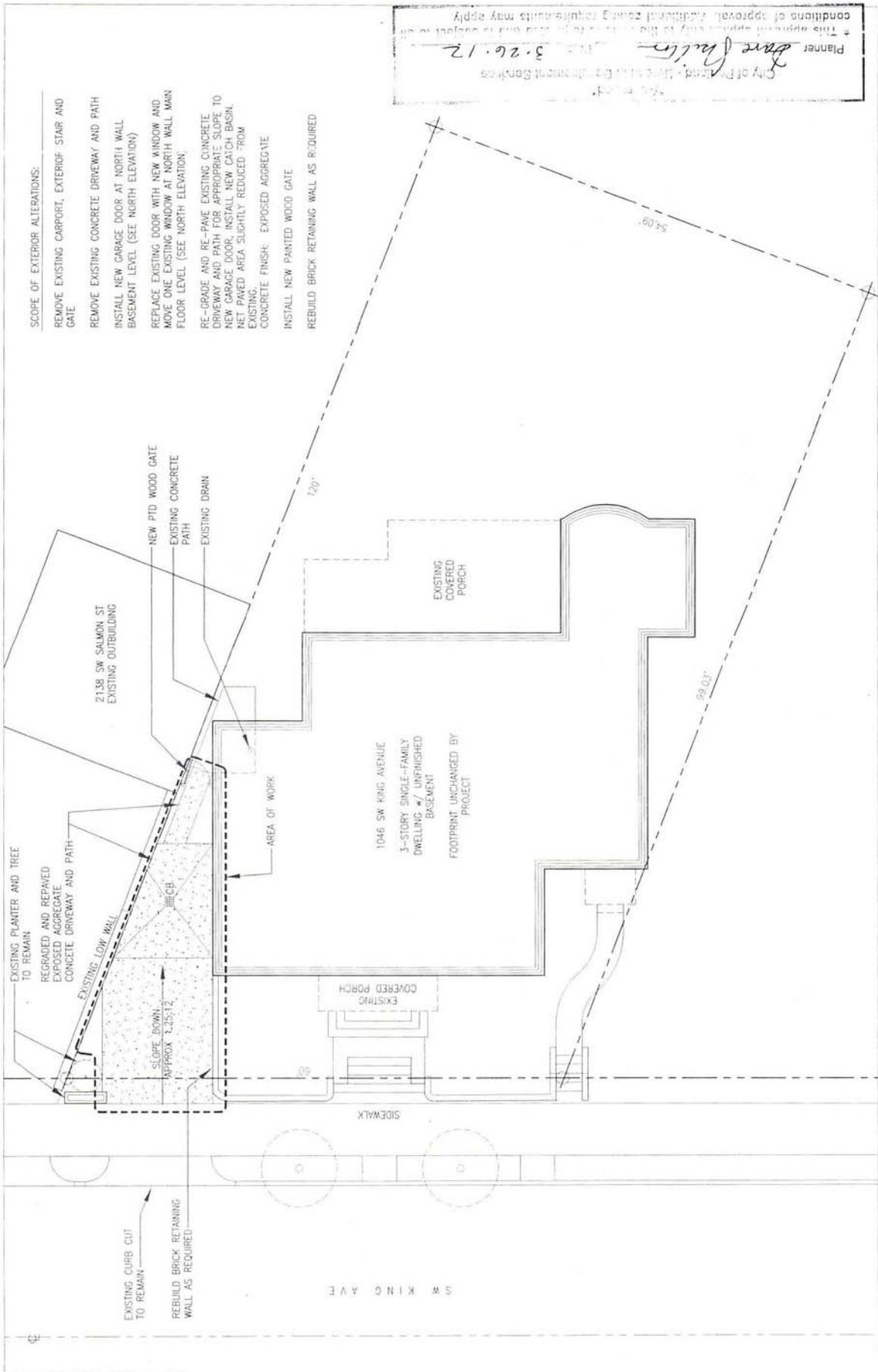
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Site Plan Detail
 - 3. Existing and proposed North Elevation (attached)
 - 4. Proposed West Elevation (attached)
 - 5. Proposed Basement Parking Layout
 - 6. Proposed Basement Parking Maneuvering
 - 7. Garage Door Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
 - 2. Water Bureau
 - 3. Life Safety Review Section of BDS
 - 4. Bureau of Parks, Forestry Division
- 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. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).

1-1



SCOPE OF EXTERIOR ALTERATIONS:

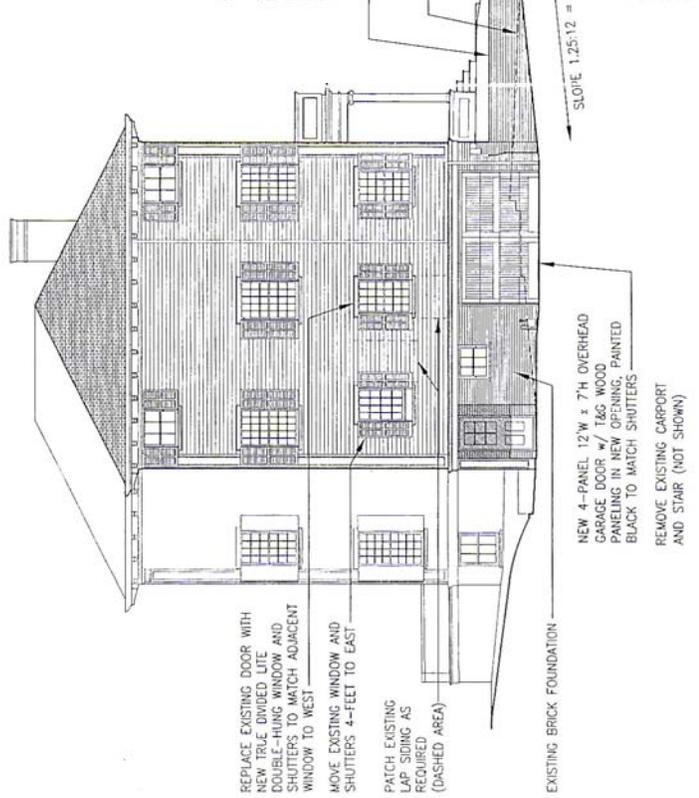
- REMOVE EXISTING CARPORT, EXTERIOR STAR AND GATE
- REMOVE EXISTING CONCRETE DRIVEWAY AND PATH
- INSTALL NEW GARAGE DOOR AT NORTH WALL BASEMENT LEVEL (SEE NORTH ELEVATION)
- REPLACE EXISTING DOOR WITH NEW WINDOW AND MOVE ONE EXISTING WINDOW AT NORTH WALL MAIN FLOOR LEVEL (SEE NORTH ELEVATION)
- RE-GRADE AND RE-PAVE EXISTING CONCRETE DRIVEWAY AND PATH FOR APPROPRIATE SLOPE TO NEW GARAGE DOOR, INSTALL NEW CATCH BASIN, NET PAVED AREA SLIGHTLY REDUCED FROM EXISTING.
- CONCRETE FINISH: EXPOSED AGGREGATE
- INSTALL NEW PAINTED WOOD GATE
- REBUILD BRICK RETAINING WALL AS REQUIRED

City of Portland - Bureau of Development Services
Planner: *Dave Galvin*
Date: 3.26.12
This approval is subject to the conditions of approval. Additional zoning requirements may apply.

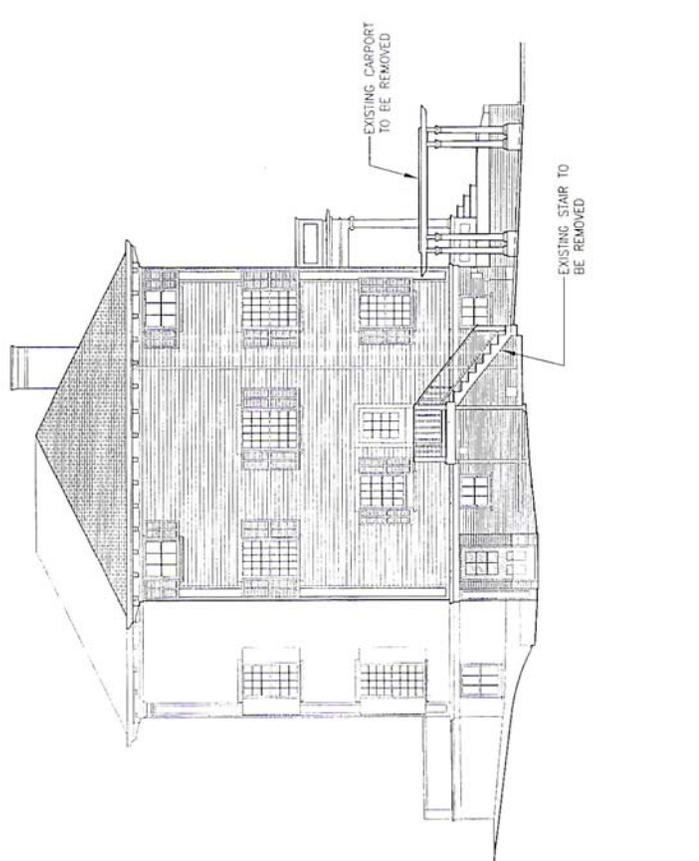
1 PROPOSED SITE PLAN

SCALE: 3/32" = 1'-0"

City of Portland - Bureau of Development Services
 Approved: *[Signature]*
 Date: 5.26.12
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



2 PROPOSED NORTH ELEVATION
SCALE: 3/32" = 1'-0"

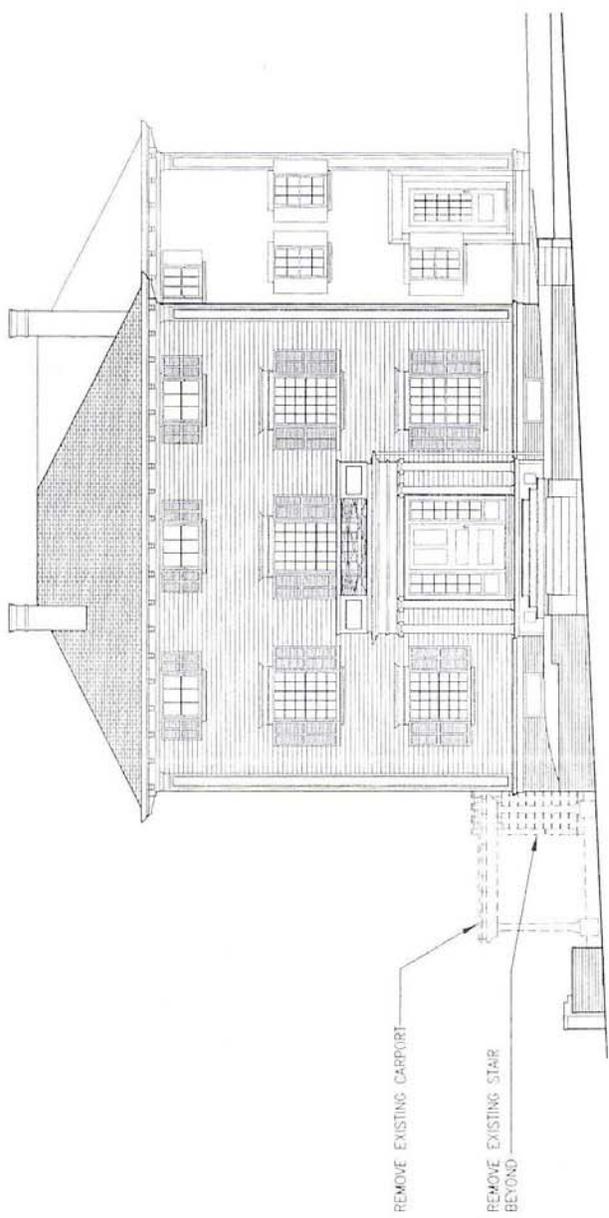


1 EXISTING NORTH ELEVATION
SCALE: 3/32" = 1'-0"

2-3

C-4
3

Approved
City of Portland - Bureau of Development Services
Planner *Rene Sims* Date *3-26-12*
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



NO CHANGE EXCEPT REMOVED
CARPORT AND STAIR

PROPOSED WEST ELEVATION

SCALE: 3/32" = 1'-0"

3