



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: July 28, 2016
To: Interested Person
From: Puja Bhutani, Land Use Services
503-823-7226 / Puja.Bhutani@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 mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 16-180450 HRM- NEW GARAGE & STEPS ADDITION

GENERAL INFORMATION

Applicant: MKM Architecture Inc.
3304 SE 52nd Avenue
Portland, OR 97206

William & Meghan Bours, Owners
2331 SW Cactus Drive
Portland, OR 97205

Duncan McDonnell, Contractor
Green Gables Design & Restoration
1807 NW Vaughn Street
Portland, OR 97209

Site Address: 2331 SW CACTUS DRIVE

Legal Description: LOT 64&66 TL 2200, CEDAR HILL
Tax Account No.: R144800750
State ID No.: 1N1E33CC 02200
Quarter Section: 3027
Neighborhood: Goose Hollow, contact Jerry Powell at 503-222-7173.
District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.
Other Designations: Contributing Resource in the Kings Hill Historic District
Zoning: R1, Residential 1000
Case Type: HRM, Historic Resource Review with Modifications.
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal: The proposal includes the following exterior alterations to the existing residence:

- A new detached, two car garage that is recessed into the steeply sloped site. The materials proposed include smooth finished concrete with wood trim, railing & baluster details to match that of the existing residence.
- New stairs from the street to the existing main entrance of the residence and to the back yard. The stair way includes a flow through planter with a second side entrance door to the garage hidden behind the planter. A wrought iron handrail and gated entry at the street are also proposed. The materials for the flow through planter include smooth finished concrete with a concrete cap to match the existing concrete front porch foundation / slab.
- Remove and replace concrete pad of the existing residence front porch. The original wood posts, railings, balusters and roof will be held in place while the concrete foundation is replaced to match the original concrete porch.
- Partial replacement of the foundation of the existing residence. All four (4) existing windows within this replaced foundation area will be reinstalled to match existing conditions. One (1) of those four (4) windows is proposed to be shifted from its original location (on the rear/west wall) to facilitate a future reconfiguration of the interior stairs from the basement to the first floor. One (1) original exterior door to the basement is proposed to be relocated and reused in the new exterior stairwell.

The following **Modifications** will be required to the front and side building setback standards as per 33.120.220:

- **Side Setbacks.** Modify the required minimum 5 feet side setback to allow the south wall of the proposed garage to be 3 feet from the side property line.
- **Front Setbacks.** Modify the required minimum 3 feet street building setback, as per Table 120-3, to allow the garage wall to be as little as 10.5” from the front property line.
- **Garage Entrance Setback.** Modify the garage entrance setback to allow the garage entrance to be closer to the lot line than the front facade of the residential portion of the building.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations to a contributing resource in a historic district.

Relevant Approval Criteria:

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

- Kings Hill Historic District Guidelines
- 33.846.070, Modifications Considered During Historic Resource Review

ANALYSIS

Site and Vicinity: The existing historic residence is located in the Kings Hill Historic District, established in 1990. It is a 3 story Colonial residence designed by Whitehouse & Fouilhoux Architects for Mr. Julius Lippitt in 1917 and designated as contributing resource in the King’s Hill Historic District in 1991. The house is located on a steeply sloping lot with the first floor approximately 16 ft above street level, and there is a rock retaining wall across the entire front property line. The rock wall is roughly 12 feet in height and broken only by a stair leading up to the house. The house faces east, with expansive downhill eastward views towards West Burnside Street. Multi-dwelling structures flank the house on either side.

The houses in the general vicinity are varied in style; the predominate architectural types are English Cottage, Arts and Crafts, and Colonial Revival. The neighborhood was built up during the first three decades of the 1900's with many houses situated fairly close together.

King's Hill was designated in 1991 as a Portland Historic District and a National Register District. It is one of the city's oldest residential districts. Notable Portland architects designed many of the buildings within the District. The King's Hill Historic District contains both commercial and residential uses. However, the majority of buildings within the district were designed as single- and multi-dwelling residences. Buildings were constructed in numerous styles between the 1880s and 1940s, including Colonial Revival, Craftsman, and Mediterranean styles. The landscape is a strong unifying element within the district. Mature vegetation characterizes the district's streetscapes, which are defined by historic trees, shrubbery, and formal gardens. The district's topography also creates opportunities for siting properties on elevated lots. Numerous properties in the district were constructed well above street level and incorporate walls constructed of rock, basalt, and brick, along with concrete steps, paths, and rock gardens.

Zoning:

The Residential 1,000 (R1) is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouse, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R1 zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

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.

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

- LU 90-009061- Approval of an adjustment to garage setback regulation for a similar garage construction. The garage was not built and the approval expired.
- LUR 99-00459- Approval of a stacked two car garage addition. The garage was not built and the approval expired.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **June 20, 2016**. The following Bureaus have responded with no issues or concerns:

- Fire Bureau
- The Bureau of Environmental Services responded with the following comment: Please see Exhibit E-1 for additional details.
"BES does not object to approval of the historic resource review application. The proposed development will be subject to BES standards and requirements during the permit review process."
- The Bureau of Transportation Engineering responded with the following comment: Please see Exhibit E-2 for additional details.

“There are no applicable transportation-related approval criteria associated with the proposed Historic Resource Review. Accordingly, PBOT has no objections to this request. The applicant has also requested Modifications to several site development regulations including side and front setback requirements and to allow the garage entrance to be closer to the lot line than the front façade of the residential portion of the building. These Modifications do not impact the abutting right-of-way or the transportation system in the area. Therefore, PBOT has no objection to said Modifications.

- The Water Bureau responded with the following comment: Please see Exhibit E-3 for additional details.
“The proposal has no foreseeable impact to the water system in the right-of-way.”
- The Life-Safety Plans Examiner responded with the following comment: Please see Exhibit E-4 for additional details.
“The construction as proposed will not meet prescriptive lateral design requirements. A lateral design analysis by an Architect or Engineer licensed in Oregon and based on the Oregon Structural Specialty Code is required. ORSC R104.11 and R301.2.2.2.2.”

The applicant has indicated that no footprint or elevation changes will be necessary to make the proposal comply with this requirement.

- The Site Development Section of BDS responded with the following comment: Please see Exhibit E-5 for additional details.
“A geotechnical report will be required at the time of plan review. The report should include results of a subsurface investigation conducted in accordance with chapter 18 of the Oregon Structural Specialty Code, recommendations for foundation design and construction, and recommendations for temporary and permanent shoring/retaining wall design. Where supporting adjacent private property and structures, complete temporary shoring plans, calculations, and details are required at the time of plan review and cannot be a deferred submittal. An erosion control plan prepared by a Certified Professional in Erosion and Sediment Control (CPESC) or State of Oregon registered professional engineer may be required at the time of building permit application. If exterior grade changes are proposed, a grading plan including existing and proposed site grades will be required in accordance with City of Portland Title 24.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 20, 2016. A total of four written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Jeff and Larissa Birndorf, 6/24/2016, wrote in support of the proposal. They stated that the proposal will be an improvement to the existing house and increase real estate value in the area. They thought that the garage would help alleviate the limited available parking on that street. Please refer to Exhibit F-1 for additional details.
- David Missert, Chairman, Amalfi Unit Owners Association, 6/24/2016, wrote in support of the proposal. He stated that the proposal of rehabilitating the existing house would make the neighborhood more attractive, and improve access to the existing fairly isolated property. They were of the opinion that the garage would relieve pressure of street parking. He encouraged the owners and contractors to limit noise and other disruptions to allowable and sensible hours. Please refer to Exhibit F-2 for additional details
- Pamela Birkel, 7/5/2016, wrote in support of the proposal. Please refer to Exhibit F-3 for additional details.

- Douglas Macgregor, 7/11/2016, wrote requesting the proposal be rejected to maintain neighborhood quality of livability. He stated that Cactus Drive had very limited parking, especially given the proximity of public amenities like Washington Park, increase in commercial traffic around Burnside, and Timbers game traffic. The garage proposal would result in a loss of two on-street parking spaces, and there was no guarantee that these spaces would be utilized for parking as versus storage. They requested that the proposal be rejected to maintain the neighborhood quality of livability. Please refer to Exhibit F-4 for additional details.

Staff response: The zoning code requires a minimum of one parking space per unit, and the proposed garage will bring the single family development into compliance. The proposed garage will provide 2 parking spaces, and hence will not result in a reduction of existing on street parking spaces. According to PBOT, the proposal will not impact the abutting right-of-way or the transportation system in the area. Refer to Exhibit E-2. Furthermore, similar garages that are built to the property line are a common feature of this neighborhood. Please refer to staff findings below for additional details.

- The applicant also provided the eight (8) signatures from neighboring properties in support of the proposal. Refer to Exhibit A4.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

Requests for Historic Resource 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 Resource 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.

A2. Architectural Styles. Maintain the architectural integrity of historic building façades. Respect the essential forms and styles of the historic buildings in the district.

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

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

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

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.

D8. Exterior Materials and Features. Retain or restore original exterior finishing materials. Use materials and design features that promote permanence, quality, and visual interest. Use materials and design features that are consistent with the building's style and with the existing vocabulary of the historic district.

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.

D11. Main Entrances. Main entrances, including doors, porches, and balconies, should be prominent features, compatible with the detailing, style, and quality of historic main entrance features of nearby buildings. Retain and preserve main entrance features that are important in defining the building's historic character. Replace, in kind, extensively deteriorated or missing parts of the main entrance when surviving prototypes exist. When in-kind replacement is not practical, replace with elements that recreate the historic character of the main entrance.

- **Findings for A1, A2, A3, D1, D2, D5, D8, D9 & D11:** The historic character and architectural integrity of the existing house will be maintained as there are no significant alterations being proposed to the primary structure. The proposal is limited to repair and restoration of the front porch on the east elevation, which is deteriorating and pulling away from the house. A structural report (Exhibit A3) was provided by Hayden Engineers. The work consists of removing and replacing the existing concrete pad. The original wood posts, railings, balusters, and roof will not be altered, and will be held in place while the concrete foundation is replaced to match the original concrete porch.

Also proposed is the partial replacement of the existing clay brick foundation of the residence, since it is not durable enough to support the excavation for the proposed garage and exterior steps or the structural concrete connections. Please refer to the structural report. The original clay brick foundation will be left in place where possible. The new reinforced concrete foundation will be better able to withstand seismic loads and earth pressure from the steep uphill slope. The replacement foundation wall area will be parged to match the original foundation's skim coating so that there is no visible exterior change to the residence. All four (4) existing windows within this replaced foundation area will be reinstalled to match existing conditions. One (1) of those four (4) windows is proposed to be shifted from its original location on the rear/west wall to facilitate a future reconfiguration of the interior stairs from the basement to first floor. Furthermore, one (1) original exterior door to the basement is proposed to be relocated and reused in the new exterior stairwell, to provide a more direct connection from the garage. The foundation level of the house, while structurally extremely important, is visually obscured and hence the proposed alterations will have no impact on the historic or architectural character of the house. All existing doors and windows are being preserved and reused.

The new detached, two car garage is architecturally compatible in massing, scale and size with the primary residence, and is modest in form and detailing. The proposed

design includes smooth finished concrete and a wooden baluster with wood trim, railing and corner post details to match that of the existing residence. The garage door has four (4) segments with six (6) pane glass panels above and three (3) wood panels below. The number of glass panes matches those in the existing basement windows now on the street facing elevation. The traditional design of the wrought iron handrail and gated entry at the street are also compatible with the historic character of the property. Additionally, the garage is nearly completely recessed into the steeply sloped site, and hence does not visually compete with or detract from views to and from the main residence or other surrounding buildings. The only visible features are the front street facing elevation, garage roof and connecting steps. The garage addition will not alter or damage the existing historic residence as it is located far below the house and is hence a visually and physically separate structure. It will result in the removal of a section of the existing retaining wall which will be modified to slope more gradually towards the new steps and garage. The location of the garage near the front property line and recessed into the hillside, is also fairly typical for this neighborhood, and similar to other garages within a block of the property.

The existing concrete stairway is proposed to be demolished and replaced with new stairs from the street to the existing main entrance of the residence and to the back yard. The stair way includes a flow through planter with a second side entrance door to the garage hidden behind the planter. An external stairway located at the rear of the garage provides a direct connection from the garage to the basement and front porch. The stairway helps visually connect and unify the garage and the residence. The materials for the flow through planter and steps consist of durable and compatible materials including smooth finished concrete and concrete caps to match the existing concrete front porch foundation and slab.

The proposal respects the essential forms, materials and styles of the primary resource and the historic buildings in the district. *These guidelines are therefore met.*

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

Findings for D3: The garage is clearly a later addition, as a typology responding to the automobile, and by its roll-up wood carriage doors. The garage is also located far below the house, and hence is a visually and physically separate structure. The new balustrade including handrails and piers will be differentiated from historic front porch detailing by their modern construction techniques. The reworked steps, planters, iron gate and railings are also distinguishable as later additions by their construction techniques. *This guideline is therefore met.*

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 area, 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.

Findings for D6 & D7: The location of the garage is appropriate for the site and also reinforces the existing pattern in this historic district. As stated above, the garage is

nearly completely recessed into the steeply sloped site, and hence does not visually compete with or detract from views to and from the main residence or other surrounding buildings. The only visible features are the street facing elevation, garage roof and connecting steps. The garage addition will not alter or damage the existing historic residence as it is located far below the house and is hence a visually and physically separate structure. It will result in the removal of a section of the existing basalt retaining wall which will be modified to slope more gradually towards the new steps and garage. This gentler slope, as versus the existing nearly vertical face will help open up views to the primary residence above from the street level.

The location of the garage near the front property line and recessed into the hillside, is also fairly typical for this neighborhood, and similar to other garages within a block of the property. The angled garage wall enables a person using the stairs to see an approaching vehicle, which is important given the lack of sidewalk on this side of the street.

The new detached, two car garage is architecturally compatible in massing, scale and size with the primary residence and helps break up the nearly vertical basalt wall at the street level. The design includes details like a wooden baluster across the entire front façade, with wood trim, railing and corner post details to match that of the existing residence. The garage door has (4) segments with (6) pane glass panels above and (3) wood panels below and matches the existing basement window at the street facing elevation. Wooden exterior man doors are proposed for the garage and basement. The location and design of the garage, and associated steps, railings and basalt wall contribute to the pedestrian level environment and are also in keeping with existing patterns of surrounding historic buildings and topography. *These guidelines are therefore met.*

33.846.070 Modifications Considered During Historic Resource Review

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 historic resource review process. These modifications are done as part of historic resource 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 historic resource 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 historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource 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.

Modification #1: Setback Standard, 33.120.220:

- **Side Setbacks.** Modify the required minimum 5 feet side setback to allow the south wall of the proposed garage to be 3 feet from the side property line.

- **Front Setbacks.** Modify the required minimum 3 feet street building setback, as per Table 120-3, to allow the garage wall to be as little as 10.5” from the front property line.
- **Garage Entrance Setback.** Modify the garage entrance setback to allow the garage entrance to be closer to the lot line than the front facade of the residential portion of the building.

Purpose Statement. The building setback regulations serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity;
- Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street

Standard 33.120.220.B: The required minimum building setbacks apply to all buildings and structures on the site except as specified in this section. Where no street setback is indicated in Table 120-3, the front, side, and rear setbacks apply. Where a street setback is indicated in Table 120-3 it supersedes front, side, and rear setbacks if the front, side, or rear lot line is also a street lot line.

Per Table 120-3 the required front building setbacks in R1 zone is 3 feet, and side yard setback is 5 feet.

Findings: The resulting development will meet the purpose of the rear setback standard being modified and also better meet the approval criteria for historic resource review.

The location of the garage is appropriate for the site and also reinforces the existing pattern in this historic district. The garage is nearly completely recessed into the steeply sloped site, and hence does not visually compete with or detract from views to and from the main residence or other surrounding buildings. The only visible features are the street facing elevation, garage roof and connecting steps. The proposal will therefore maintain the existing physical separation between the residences, and also maintain privacy for the neighboring properties. Furthermore, the location of the garage near the front property line and recessed into the hillside, is also fairly typical for this neighborhood, and similar to other garages within a block of the property. The garage addition will not alter or damage the existing historic residence as it is located far below the house and is hence a visually and physically separate structure. Locating the house further north and east, to comply with the required side and front setbacks would push the garage structure closer to the primary historic residence, hence reducing their visual/physical separation. Furthermore, the size and shape of the site does not allow locating the garage behind the front façade of the main residence, which would also not be consistent with the predominant pattern in this historic district.

The new detached, two car garage is architecturally compatible in massing, scale and size with the primary residence, and helps break up the nearly vertical basalt wall at the street level. The design includes details like a wooden baluster across the entire front façade, with wood trim, railing and corner post details to match that of the existing residence. The location and design of the garage, and associated steps, railings and basalt wall contribute

to the pedestrian level environment and are also in keeping with existing patterns of surrounding historic buildings and topography. It will result in the removal of a section of the existing basalt retaining wall which will be modified to slope more gradually towards the new steps and garage. This gentler slope, as versus the existing nearly vertical face will help open up views to the primary residence above from the street level. *This modification therefore merits approval*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The proposal maintains the architectural integrity of the original house, by preserving historic features and using design features and durable materials that are consistent with the building's style and with the existing vocabulary of the historic district. The purpose of the Historic Resource 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 Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

APPROVAL OF following exterior alterations to the existing residence in the King's Hill Historic District:

- A new detached, two car garage that is recessed into the steeply sloped site. The materials proposed include smooth finished concrete with wood trim, railing & baluster details to match that of the existing residence.
- New stairs from the street to the existing main entrance of the residence and to the back yard. The stair way includes a flow through planter with a second side entrance door to the garage hidden behind the planter. A wrought iron handrail and gated entry at the street are also proposed. The materials for the flow through planter include smooth finished concrete with a concrete cap to match the existing concrete front porch foundation / slab.
- Remove and replace concrete pad of the existing residence front porch. The original wood posts, railings, balusters and roof will be held in place while the concrete foundation is replaced to match the original concrete porch.
- Partial replacement of the foundation of the existing residence. All four (4) existing windows within this replaced foundation area will be reinstalled to match existing conditions. One (1) of those four (4) windows is proposed to be shifted from its original location (on the rear/west wall) to facilitate a future reconfiguration of the interior stairs from the basement to the first floor. One (1) original exterior door to the basement is proposed to be relocated and reused in the new exterior stairwell.

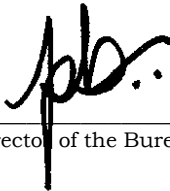
Approval of the following **Modifications** to the front and side building setback standards as per 33.120.220:

- **Side Setbacks.** Modify the required minimum 5 feet side setback to allow the south wall of the proposed garage to be 3 feet from the side property line.
- **Front Setbacks.** Modify the required minimum 3 feet street building setback, as per Table 120-3, to allow the garage wall to be as little as 10.5” from the front property line.
- **Garage Entrance Setback.** Modify the garage entrance setback to allow the garage entrance to be closer to the lot line than the front facade of the residential portion of the building.

Approved as per the approved site plans, Exhibits C-1 through C-23, signed and dated July 20, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.23. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-180450 HRM. No field changes allowed."

Staff Planner: Puja Bhutani

Decision rendered by:  **on July 20, 2016**
By authority of the Director of the Bureau of Development Services

Decision mailed: July 28, 2016

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 May 31, 2016, and was determined to be complete on June 15, 2016.

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 May 31, 2016.

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: October 13, 2016**

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 August 11, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 **August 12, 2016.**
- 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.

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. Project Narrative, including site photographs.
 2. Drawings for the original historic residence.
 3. Structural Report from Hayden Engineers.
 4. Signatures in support of the proposal
 5. Original drawings, NOT APPROVED, FOR REFERENCE ONLY.
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Project Description
 2. Existing Conditions Plan
 3. Existing Site Plan
 4. Proposed Site Plan (attached)
 5. Enlarged Proposed Site Plan
 6. Stormwater Management Typical Details
 7. Proposed Garage and Basement Plan
 8. Proposed Garage Roof and existing 1st Floor Plan
 9. Proposed Garage Section, looking North
 10. Proposed Stair Section, looking North
 11. Proposed Garage and Stair Section, looking West

12. Proposed Garage East Elevation (attached)
13. Existing window sections
14. New Door and Garage door head details
15. Garage rails, balusters and wall cap details
16. Proposed wrought iron fence and gate details
17. Existing Basement and First Floor Plan
18. Existing Second Floor and Third Floor Plan
19. Existing Residence Section and Roof Plan
20. Existing Residence South and East Elevation
21. Existing Residence North and West Elevation
22. Garage Door Manufacturers Cut sheet
23. Simpson Man door Manufacturers Cut sheet

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Life-Safety Review Section of BDS
5. Site Development Review Section of BDS

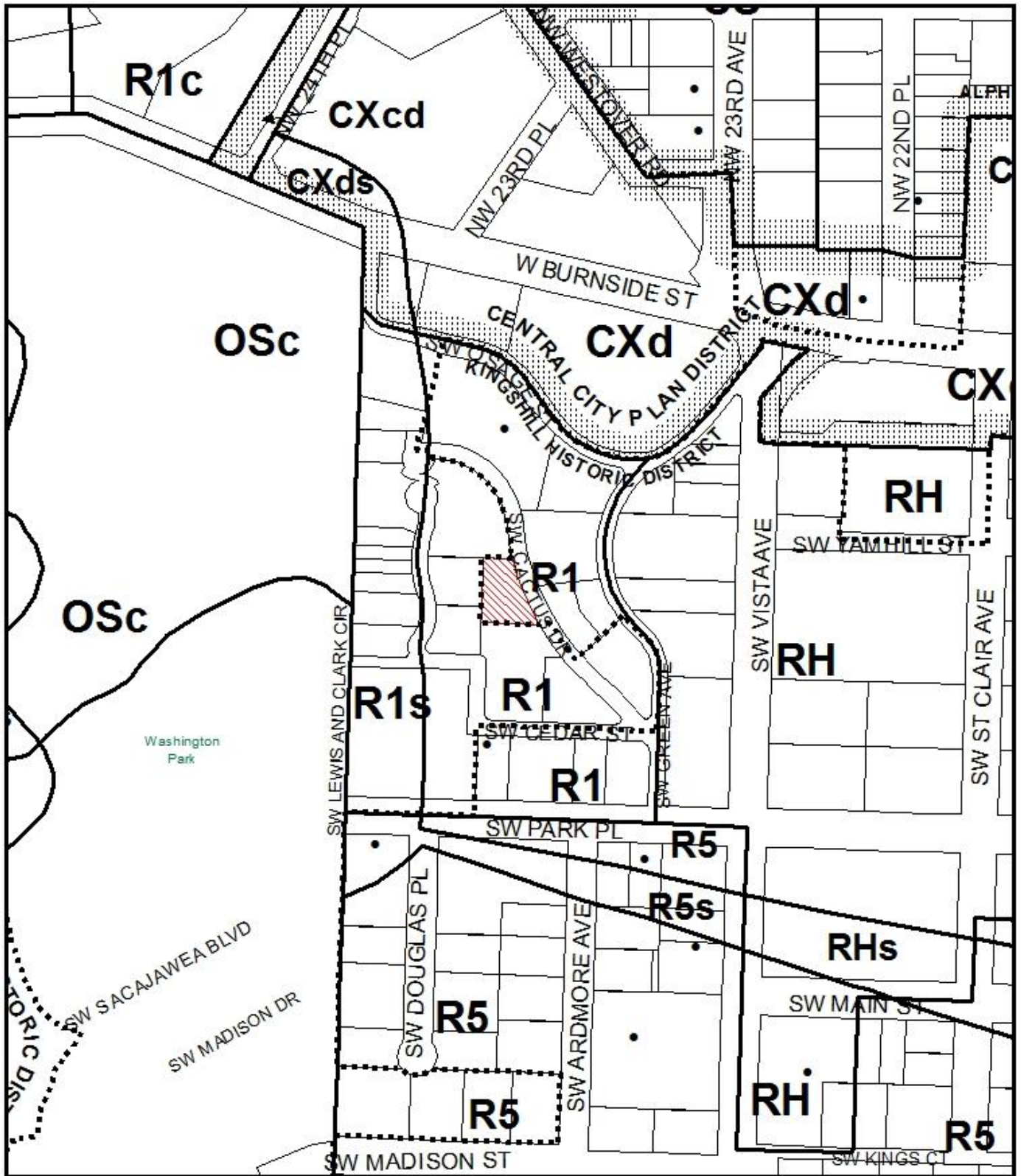
F. Correspondence:

1. Jeff and Larissa Birndorf, 6/24/2016, wrote in support of the proposal
2. David Missert, Chairman, Amalfi Unit Owners Association, 6/24/2016, wrote in support of the proposal.
3. Pamela Birkel, 7/5/2016, wrote in support of the proposal.
4. Douglas Macgregor, 7/11/2016, wrote requesting the proposal be rejected to maintain neighborhood quality of livability.

G. Other:

1. Original LU Application
2. EA 16-140622, Early Assistance Land Use Planner Response
3. Contributing/ Non-Contributing resources map
4. Google aerial images

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).



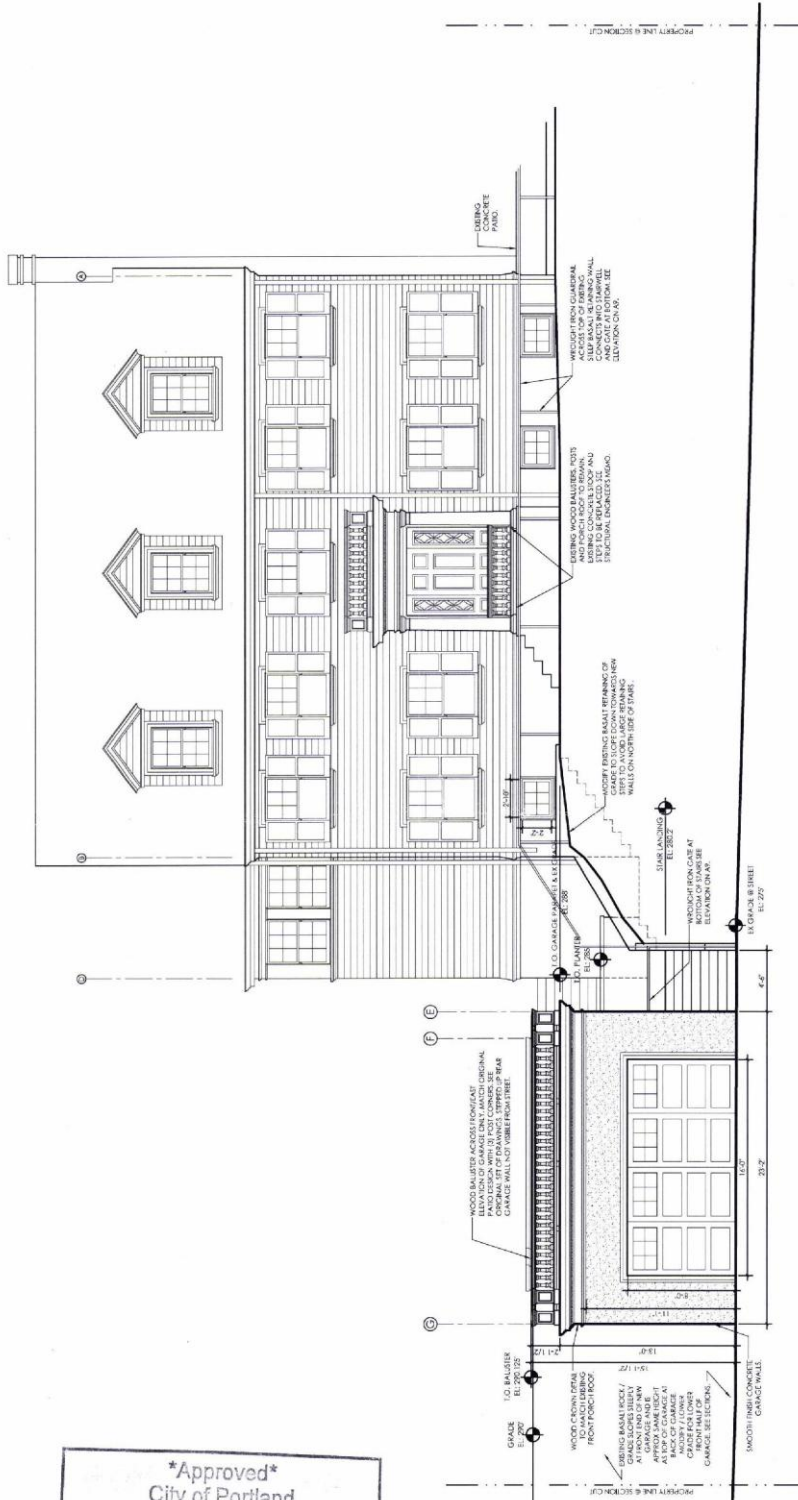
ZONING



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

- Site
- Historic Landmark

| | |
|-------------|--------------------------|
| File No. | <u>LU 16-180450 HRM</u> |
| 1/4 Section | <u>3027</u> |
| Scale | <u>1 inch = 200 feet</u> |
| State_Id | <u>1N1E33CC 2200</u> |
| Exhibit | <u>B (Jun 02, 2016)</u> |



Approved
 City of Portland
 Bureau of Development Services

Planner plm
 Date 7-20-2016

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

1 PROPOSED GARAGE EAST ELEVATION
 A8 SCALE: 1/8" = 1'-0"



BOUYS
 HISTORIC REVIEW
 2331 SW Cactus Dr.
 Portland, OR 97205

REVISED
 06.30.16
 A8

EXHIBIT C12