



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

FROM CONCEPT TO CONSTRUCTION

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Date: December 15, 2016
To: Interested Person
From: Mike Gushard, Land Use Services
503-823-5091 / Mike.Gushard@portlandoregon.gov

NOTICE OF A TYPE II DECISION AND NOTICE OF A TENTATIVE APPEAL HEARING DATE FOR 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.

If this case is appealed, the hearing for the appeal will be held Monday January 9, 2017 @ 1:30p.m. with the Portland Historic Landmarks Commission. The hearing will take place in Room 2500A (2nd floor) at 1900 SW 4th Avenue, Portland, OR 97201. If a timely and valid appeal is filed by the end of the appeal period at 4:30pm on December 29, 2016 no supplemental mailed hearing notice will be sent.

If appealed, the appeal will be listed on the online Historic Landmarks Commission hearing agenda no later than 5pm on Friday, December 30, 2016 Online hearing schedules are available on the BDS web page (www.portlandonline.com/bds → Zoning & Land Use → Notices, Hearings, Decisions... → Public Hearings → Historic Landmarks Commission Agenda). Copies of the appeal filing will be available by contacting the case planner, Mike Gushard (contact info. at top of page) on or after December 30, 2016

This tentative appeal hearing date will be cancelled if Portland Public Schools are closed due to inclement weather or other similar emergency. Check local television and radio reports for school closures. The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent. Please call the Case Planner, Mike Gushard (contact info. At top of page) for information regarding cancellations and/or rescheduling

CASE FILE NUMBER: LU 16-209856 HR – ADDITION TO REAR OF CONTRIBUTING HOUSE AND NEW DRIVEWAY

GENERAL INFORMATION

Applicant: Jasper D Long, Owner
3133 SW 2nd Ave
Portland, OR 97201-4608

Site Address: 3133 SW 2ND AVE

Legal Description: BLOCK 109 INC PT VAC ST LOT 4 EXC PT IN ST, CARUTHERS ADD

Tax Account No.: R140910440
State ID No.: 1S1E10BC 02300
Quarter Section: 3329

Neighborhood: South Portland NA., contact Jim Gardner at 503-227-2096.
Business District: South Portland Business Association, contact Kevin Countryman at 503-750-2984.
District Coalition: Southwest Neighborhoods Inc., contact Sylvia Bogert at 503-823-4592.

Other Designations: Contributing Resource – South Portland Historic District

Zoning: R2 – Residential 2,000

Case Type: HR – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

PROPOSAL:

The application proposes an addition to the rear of a two-story contributing resource in the South Portland Historic District. It also includes a new driveway to the side of the property and terraced landscaping. The addition will replace an existing one-story volume at the rear of the house. The proposed addition is clad identically to the main volume of the existing resource and includes double-hung wood windows and a low hip roof. The footprint of the addition is slightly less wide than the original volume. The driveway is proposed to the left of the property traveling upslope to the rear of the property and terminating with a small parking pad behind an existing tree which will remain. The applicant proposes turning the lawn area in between the driveway and the house into a set of three small terraces with shrubs. This project requires historic resource review because it is in the South Portland 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:

- Lair Hill Conservation District Guidelines

ANALYSIS

Site and Vicinity: The historic Rudolph Durschmidt House was constructed in 1910. It sits in the northeast of a large lot with trees and landscaping. The house appears to have originated as a classic Portland foursquare style home like those across 2nd street. Unlike the houses nearby it does not have a covered porch. At the base of the house is a small utilitarian garage with a metal roof and lap siding to match the main volume of the house.

The South Portland Historic District is significant as the remnant of an early, originally much larger, working class and immigrant neighborhood that was greatly diminished by construction of the I-5 and I-405 freeways, and by large scale clearance under the auspices of Urban Renewal, during the 1960s and 1970s. The area was originally home to concentrations of ethnic and religious minorities from southern and eastern Europe, especially Italian Catholics and Jews from Poland, the Baltic States, and the Russian Empire. The majority of the district's remaining historic resources were built as residences, but with supporting commercial buildings, religious and social institutions, and small scale industrial structures scattered throughout the neighborhood fabric. Originally associated with workers at the shipping, manufacturing, and processing enterprises dependent on the nearby Willamette River, the area today is among the best remaining examples of a late Nineteenth Century working class residential neighborhood in Portland.

Zoning: The Residential 2,000 (R2) zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R2 zone must be at least 4,000 square feet in area for multi-dwelling development, 1,600 square feet for development with attached or detached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

Land Use History: City records indicate no prior land use reviews

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **October 4, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- The Bureau of Transportation Engineering

The Site Development Section of BDS responded that the applicant may need to supply additional geo-technical information to obtain a permit. Please see Exhibit E7

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 4, 2016. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

Jim Gardner, Chair of the South Portland Neighborhood Association, October 22, 2016 in support of the proposal.

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 South Portland Historic District and the proposal is for a non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are the *Lair Hill Historic Conservation District Design Guidelines*.

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

Lair Hill Historic Conservation District Design Guidelines

1. How the Building Relates to the Street. How the Building Relates to Adjacent Buildings.

1. Front Yard. A distance equal to the average of the front setbacks of the immediately

adjacent buildings. Where there are no adjacent buildings, the recommended setback is 8’.

2. Side Yard. Average of adjacent setbacks. If no adjacent buildings, the recommended setback is 5’.
3. Rear Yard. Average of adjacent setbacks. If no adjacent buildings, the recommended setback is 15’.

Findings: The proposal leaves ample room at the rear of the property line It leaves in excess of 20ft. There are no adjacent buildings to the rear. There are no proposed changes to relationship between the house and the side or front yard. *Therefore these guidelines are met.*

2. Parking

1. It is strongly recommended that parking be in the building structure.
2. No ground floor street façade should be composed solely of parking or parking accesses. Ground floor facades must have pedestrian entrances and/or windows. (see Guideline 6)
3. On-site parking should be appropriately landscaped so as to screen the parking.
4. On-site parking should not completely fill any front or rear yard.
5. No parcel of land should be converted solely for parking.

Findings: The proposed new parking is located well into the interior of the lot where it will be heavily screened by both the proposed landscaped terrace and a large existing tree which will remain. This location allows the large rear and front yards to remain on either side. The street front garage is not deep enough to allow for parking inside. For this reason creating interior parking on the site would require the construction of another auxiliary structure which would impact the historic structure. *Therefore this guideline is met.*

3. Building Shape – Height. No building height should exceed three stories or forty-five feet.

Findings: The addition is only one story tall. *Therefore this guideline is met.*

4. Building Shape – Massing. Buildings that are fifty feet or longer should be divided into modules of twenty-five feet, or less, in length. This modulation can be created by changes in the façade plane. (See “B Architectural Specifics.”)

Findings: This addition is to the rear of the house and not on the street-face. That said, the addition is smaller and tucked in from the sides of the main volume. This creates modulation along the inner north and south elevations. *Therefore this guideline is met.*

5. Building Shape – Roof Shape.

1. Pitched roofs should have a pitch of at least 6:12.
2. Flat roofs should be surrounded by a parapet.

Findings: The contributing house has a hip roof. The addition includes a hip roof of

similar pitch to the main volume of the house. *Therefore this guideline is met.*

7. Architectural Specifics – Windows.

1. Wood sash is the preferred window material.
2. No pane of glass in any window unit should be larger than 30” wide by 84” high.
3. Windows on wood buildings should be surrounded by exterior trim on the top and sides that is 5 ½” minimum width.
4. Glass should be clear or stained.

Findings: Windows for the addition include exterior trim and are double hung. The proposal includes wood windows with clear glass. *Therefore this guideline is met.*

8. Architectural Specifics – Siding. Horizontal wood siding, brick or stucco should be used for exterior finish. Vertical wood siding may be used in board and batten form. Shingles should only be used in conjunction with horizontal wood siding. The use of rough sawn finishes is discouraged.

9. Architectural Specifics – Exterior Finish.

1. Wood siding and shingles should be finished with a full-bodied paint, preferably of a semi-gloss finish.
2. Staining of wood shakes/shingles used for roofing is acceptable. Otherwise staining is not a preferred finish.

Findings for 8 and 9: The addition is proposed to be clad in identical horizontal wood siding to the main volume of the house. *Therefore this guideline is met.*

11. Plantings.

1. New buildings should be landscaped and the landscaping should include the parking strip.
2. No exposed plastic or bark mulch (except in rose beds or beds of other acid loving plants) should be used as a permanent ground cover.
3. New ground cover planting should be in sufficient density to fill out the area planted within a season or two. (Ex. Ivy should be spotted 12” to 18” apart or less.) Larger shrubs and smaller trees should infill no later than five years and sooner if possible.
4. Existing trees should be left in place if possible and appropriate.

Findings: A large historic tree at the center of the lot is being retained and used to screen parking. The new terraced planter is planted with plants specified by the *Lair Hill Conservation Guidelines*. *Therefore this guidelines 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 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. *Therefore this proposal warrants approval.*

ADMINISTRATIVE DECISION

Approval of a one story addition to the rear of a historic property with new driveway and parking pad per the approved site plans, Exhibits C-1 through C-5, signed and dated December 12, 2106, 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.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-209856 HR . No field changes allowed."

Staff Planner: Mike Gushard



Decision rendered by: _____ **on (December 12, 2016)**

By authority of the Director of the Bureau of Development Services

Decision mailed: December 15, 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 July 22, 2016, and was determined to be complete on September 27, 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 July 22, 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: January 25, 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 December 29, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 has already been scheduled for January 9, 2017, and this notice serves as the required appeal notice. 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 **December 30, 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:

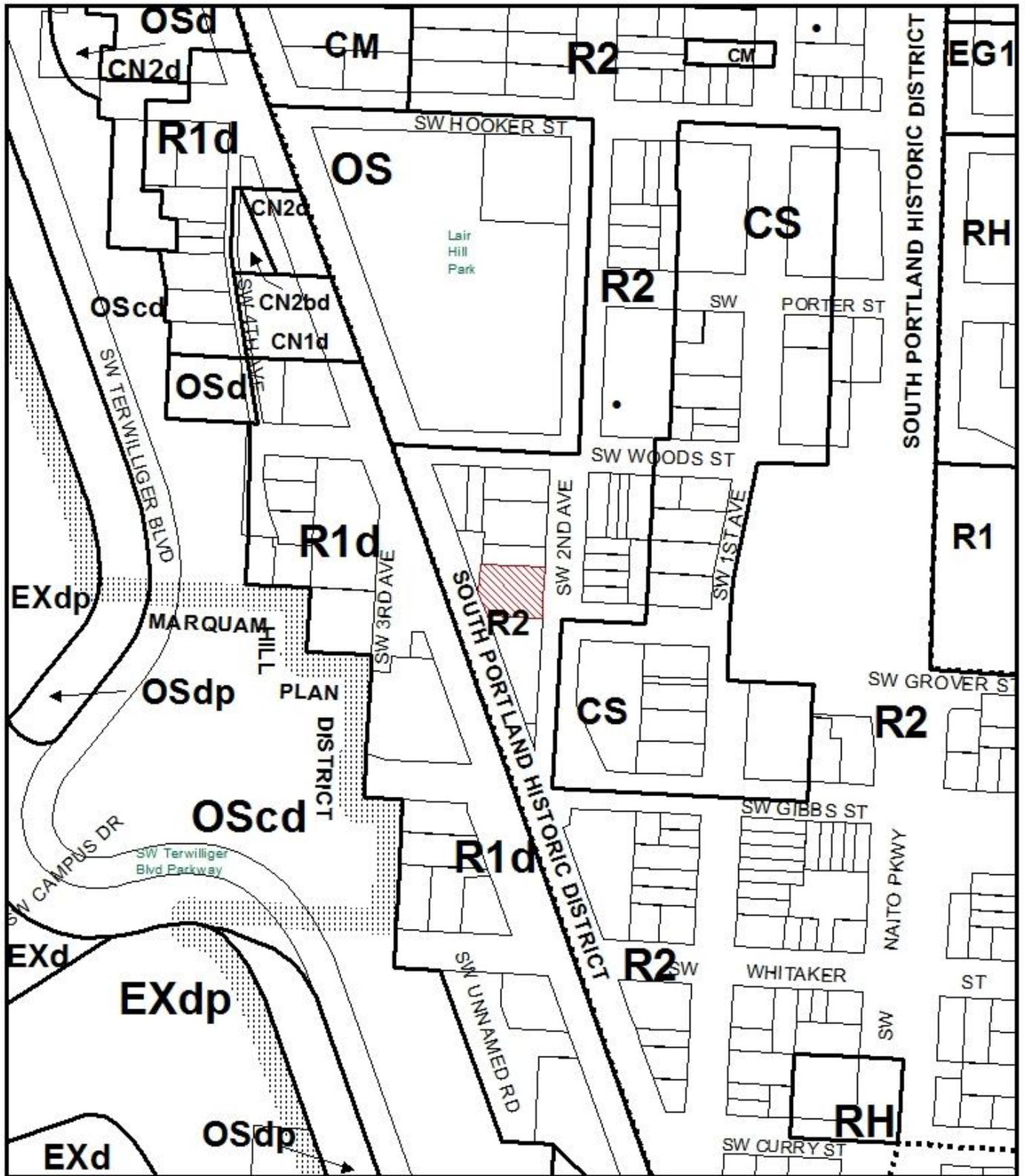
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Existing Elevations
 - 3. Proposed Elevations
 - 4. Landscape Terrace Details
 - 5. Window Information
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation Engineering and Development Review
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Bureau of Parks, Forestry Division
 - 7. Life Safety Section of Bureau of Development Services
- F. Correspondence:
 - 1. Jim Garner, October 22, 2016 questions about windows were answered by applicant. SNPA supports proposal.
- G. Other:
 - 1. Original LU Application

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



Site

Historic Landmark

This site lies within the:
SOUTH PORTLAND HISTORIC DISTRICT

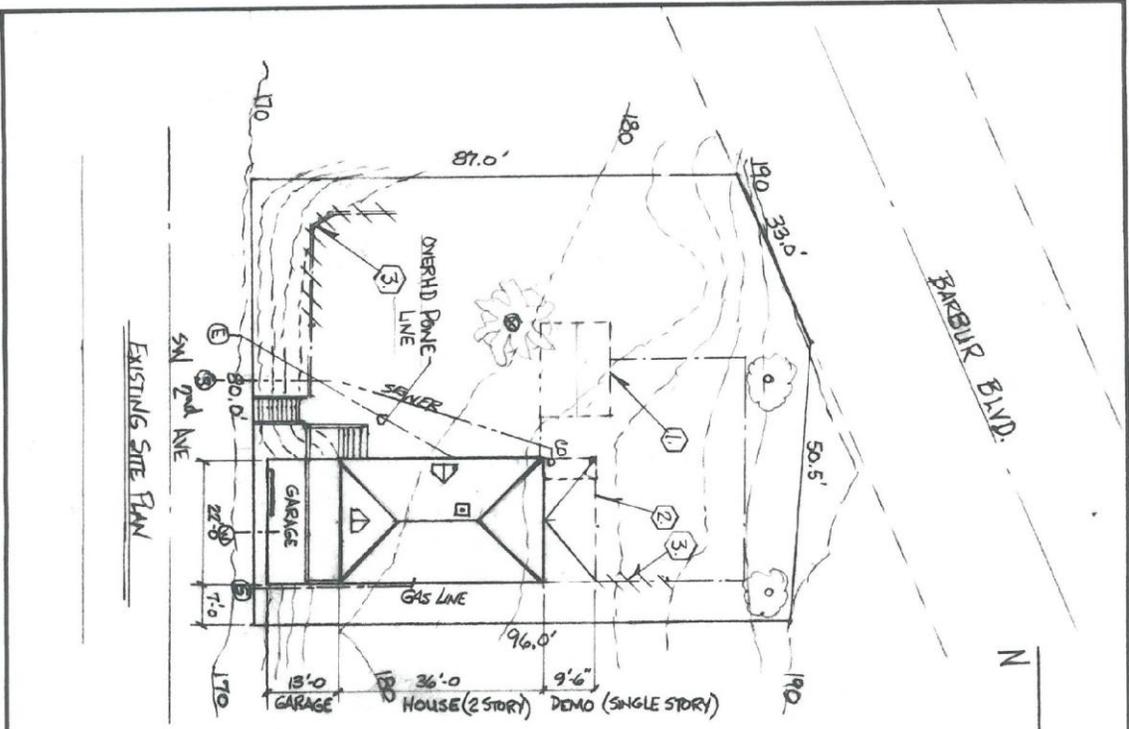
File No. LU 16-209856 HR

1/4 Section 3329

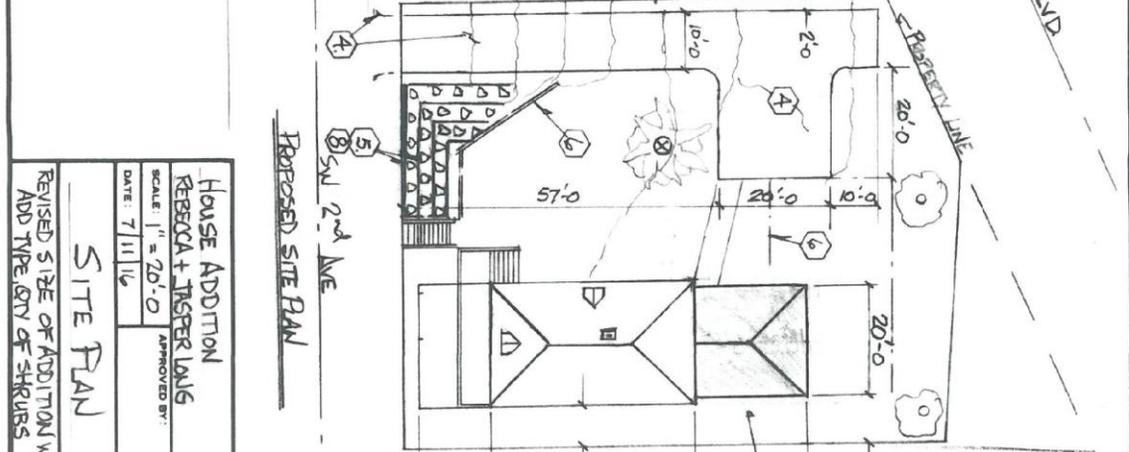
Scale 1 inch = 200 feet

State_Id 1S1E10BC 2300

Exhibit B (Jul 26, 2016)



- GENERAL NOTES:
- 1) REMOVE EXISTING SHED
 - 2) REMOVE SINGLE STORY ROOM
 - 3) REMOVE PORTION OF FRONT AND REAR FENCING
 - 4) ADD NEW DRIVE + OFF STREET PARKING & CURB CUTS
 - 5) ADD (4) 2' HI RETAINING WALLS + SHRUBS.
 - 6) RELOCATE FENCING
 - 7) ADD NEW 22' X 22' SINGLE LEVEL ADDITION
 - 8) NEW SHRUBS TO BE (25) SALAL @ 4-6 O.I.L.



HOUSE ADDITION REBECCA + TRASPEN LONG	3133 SW 2nd AVE PORTLAND, OR 97201
SCALE: 1" = 20'-0"	APPROVED BY: [Signature]
DATE: 7/11/16	DRAWN BY: [Signature]
	REVISED: 8-26-16

C1

SITE PLAN
REVISED SIZE OF ADDITION w/ HIP ROOF
ADD TYPE, QTY OF SHRUBS

DRAWING NUMBER
S-001

Approved
City of Portland
Bureau of Development Services
Planner [Signature]
Date: 12/16/16

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