



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor
Rebecca Esau, Interim Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: May 8, 2017
To: Interested Person
From: Mike Gushard, Land Use Services
503-823-5091 / Mike.Gushard@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 17-114492 HRM – ALTERATIONS TO PORCH ON A HISTORIC HOME

GENERAL INFORMATION

Applicant: Marty Buckenmeyer | Buckenmeyer Architecture
2517 NE 47th Avenue
Portland, OR 97213

Christopher & Joanna Bartlo
2176 SW Main Street
Portland, OR 97205

Site Address: 2176 SW Main Street

Legal Description: BLOCK 1 LOT 9 W 5' OF LOT 10 HISTORIC PROPERTY; POTENTIAL ADDITIONAL TAX, JOHNSONS ADD

Tax Account No.: R431600090
State ID No.: 1N1E33CD 05100
Quarter Section: 3027

Neighborhood: NW/NW, Goose Hollow, contact planning@goosehollow.org.
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.

Plan District: None
Other Designations: Contributing Resource in the King's Hill Historic District
Zoning: R5s – Residential 5,000 with Scenic Resources and Historic Resource Protection Overlay
Case Type: HRM- Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant proposes to repair the structure of an existing stair and porch and remove a trellis. The wood deck of the porch will be retained and its structural elements will be repaired. The porch has a set of concrete stairs which will be retained. An existing guardrail will be repaired using existing posts. The porch is currently topped by a large trellis. This feature will be removed and a small eave will replace it. This project is in the King's Hill Historic District and thus requires Historic Resource Review.

An initial proposal for this project included a roof that extended into the setback and the applicant requested a modification. The applicant altered the proposal to include only a small eave which is allowed in the setback pursuant to 33.110.220.C., thus no modification is required.

Relevant Approval Criteria:

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

- King's Hill Historic District Guidelines

ANALYSIS

Site and Vicinity: The historic Percy Blyth house is listed on the National Register of Historic Places as a contributing resource in the King's Hill Historic District. The large Queen Anne style house includes a large gambrel roofed center dormer, eyelid dormer, Palladian windows, veranda entrance and a prominent corner tower with conical roof. The house on a hill surrounded by other large, high-style mansions and apartments of the type that define the King's Hill district's character. The lot is in the R-5 zone and is bisected by the boundary of a scenic overlay. While the immediate neighborhood is residential in character the district is surrounded on three sides by high density commercial zones. The remaining district boundary to the west is defined by the open space of Washington Park.

Zoning: The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The Scenic Resource Zone "s" overlay 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 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.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and 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 16-122155 HR – Alterations to the rear of a historic house

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **March 28, 2017**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
 - Water Bureau
 - Fire Bureau
 - The Bureau of Transportation Engineering
 - Site Development Section of BDS responded with the following comment: Exterior building elements (including the new guardrail at stair) less than three feet to a property line shall be one hour fire rated with no openings allowed. Roofs and eaves may project not closer than 2 feet to a property line. Eaves less than three feet to a property line must be protected on the underside as required for one-hour fire-rated construction. Please see Exhibit E-1 for additional details.
- Staff Response:** The proposal builds on an existing stair that is three feet to the property line. The proposed eave element is four feet from the property line.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 28, 2017. No written response has 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 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.

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.

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.

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.

D10. Roof Features. Design roof features to be compatible with the detailing, scale, and pitch of historic roofs, consistent with the respective building’s style. Retain and preserve roof features that are important in defining the building’s historic character. Replace, in kind, extensively deteriorated or missing parts of the roof and/or roof line when surviving prototypes exist. When in-kind replacement is not practical, replace with elements that recreate the roof’s historic character.

Findings for A1, A2, A3, A5, D1, D3, D5, D8 and D10. The project includes the demolition of a non-historic and out-of character trellis projecting from the east elevation of the house and replacing it with a shorter eave. The trellis is a recent addition and has not achieved significance over time. The new eave is more in keeping with the vocabulary of house. Sanborn maps demonstrate that the volume the proposed eave would be attached to is a non-historic addition therefore no historic materials or features will be compromised by the project. The new eave will be wood and composition shingle like the rest of the roof features of the house. The proposal also includes repair of deteriorating railing on an existing stair and will not affect historic material. *Therefore these guidelines are met.*

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The purpose of the Historic 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 because it includes a small addition that is better in keeping with the character of the home than the existing trellis and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the demolition of a non-historic trellis, repair of stairs and construction of a new eave per the approved site plans, Exhibits C-1 through C-7, signed and dated April 28, 2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE - Case File LU 17-114492 HRM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Mike Gushard



Decision rendered by: _____ **on May 1**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 8, 2017

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 1, 2017, and was determined to be complete on March 17, 2017.

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 1, 2017.

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: July 15, 2017**

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

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

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

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

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 22, 2017** 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 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 **May 23, 2017**
- 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:

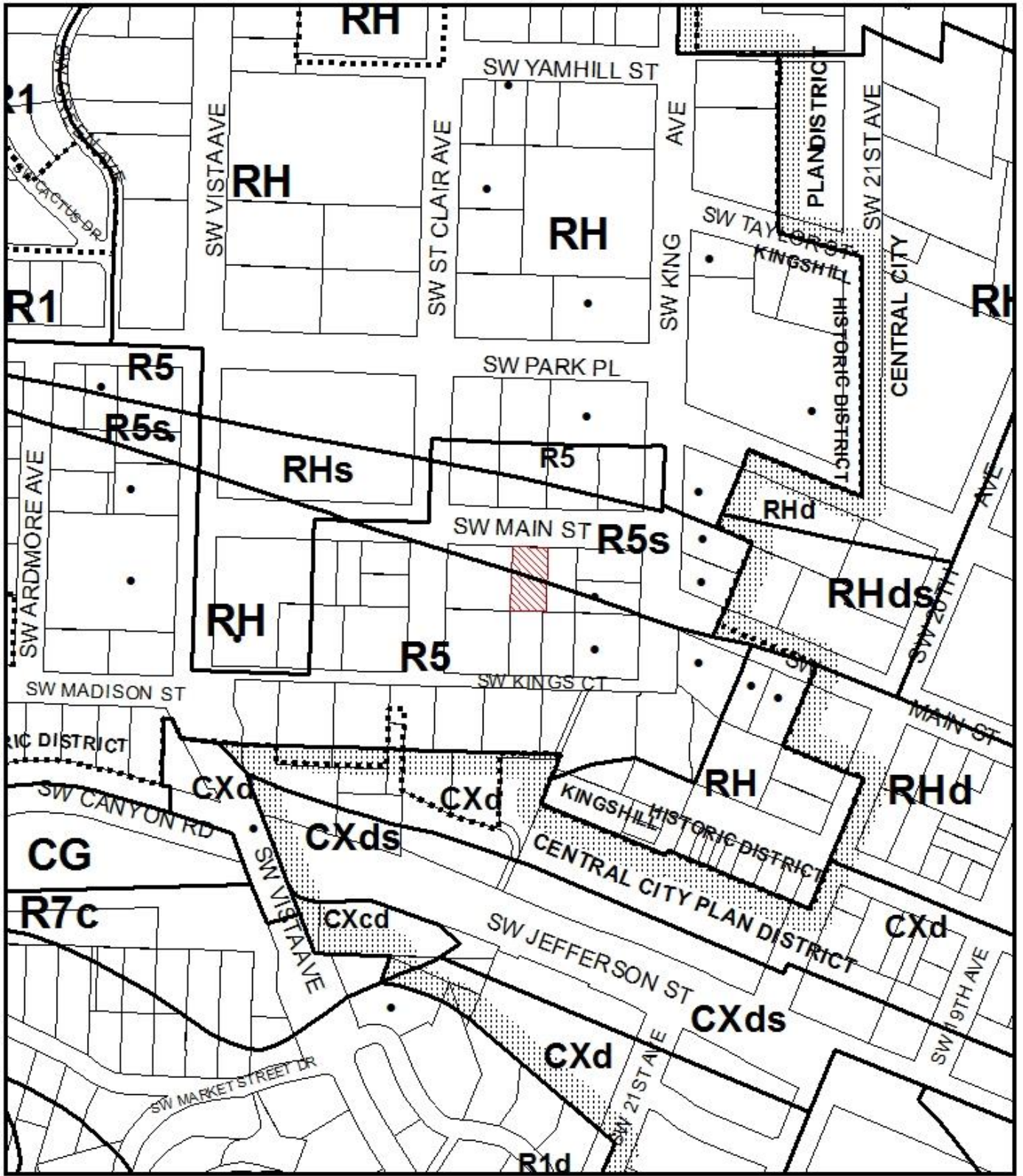
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Narrative
 2. Initially Submitted Plans (for reference only)
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Photos of worksite
 3. Existing East Elevation
 4. Proposed East Elevation
 5. Existing and Proposed North Elevation
 6. Porch Sections
 7. Guardrail Detail
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Section of BDS
 2. TRACS Printout
- F. Correspondence: (None Received)
- G. Other:
 1. Original LU Application
 2. Incomplete Letter

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:
KING'S HILL HISTORIC DISTRICT

File No.	<u>LU 17-114492 HRM</u>
1/4 Section	<u>3027</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1N1E33CD 5100</u>
Exhibit	<u>B (Feb 06, 2017)</u>



CI

DATE
03.17.17

SHEET

TS

TABLE OF CONTENTS:

- TS SITE PLAN
- A1 PHOTOS
- A2 SIDE ELEVATION - EXISTING
- A3 SIDE ELEVATION - PROPOSED
- A4 FRONT ELEVATION - EXISTING & PROPOSED
- A5 SECTION AT PORCH
- A6 SECTION AT STAIR & GUARDRAIL DETAIL

PROJECT DATA:

PROJECT ADDRESS: 2176 SW MAIN ST / PORTLAND, OR 97205
 PROPERTY ID: R1933003
 ZONING: R5S
 LOT SIZE: 5,500 SF
 PROJECT DESCRIPTION: REPAIR EXISTING SIDE DECK AND GUARDRAIL. ADD NEW WD. FRAME AWNING OVER SIDE DOOR.

BUILDING COVERAGE:

PER TABLE 110-4, ALLOWABLE BUILDING COVERAGE IS 2,325 SF
 (2,250 + 15% OF AREA > 5,000 SF)
 2,250 + (500 X .15) = 2,325 SF

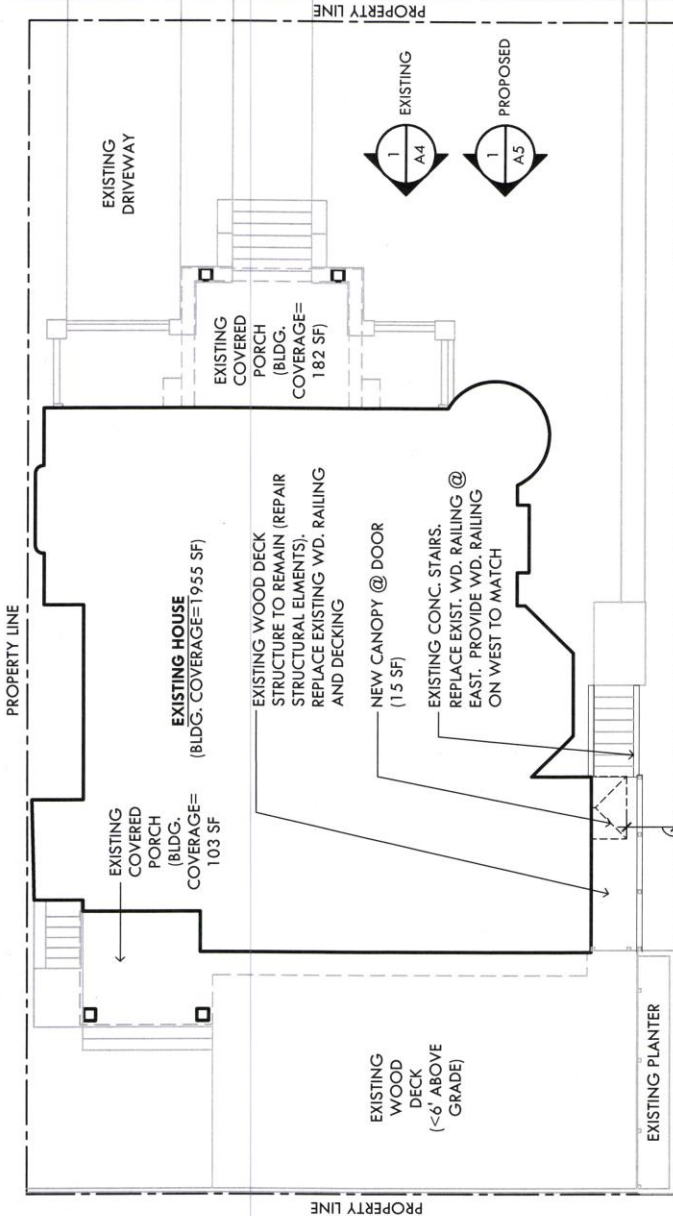
ACTUAL BUILDING COVERAGE: 1955 SF
 EXISTING HOUSE: 182 SF
 EXISTING COVERED PORCH: 103 SF
 NEW COVERED PORCH: 15 SF
TOTAL BUILDING COVERAGE: 2,255 SF

AFFECTED FACADE AREA:

AFFECTED FACADE AREA < 500 SF
 142 SF (EAST) + 4 SF (NORTH) = 146 SF

SEE ELEVATIONS FOR CALCULATION OF FACADE AREA AFFECTED BY EXTERIOR ALTERATIONS.

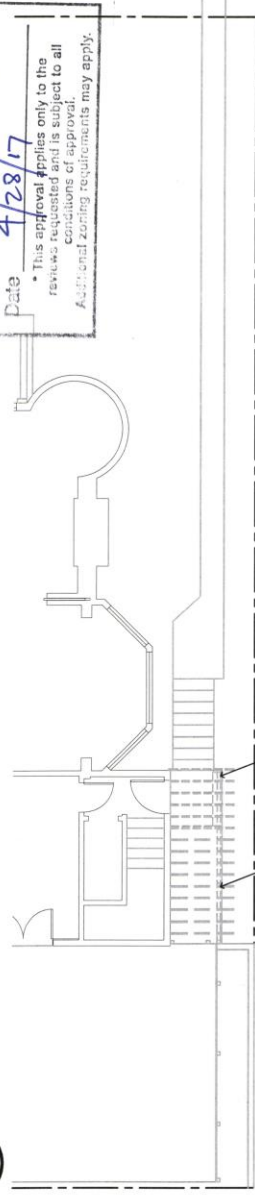
SW MAIN STREET



Approved
 City of Portland
 Bureau of Development Services
 Planner: [Signature]
 Date: 4/28/17
 This approval applies only to the review requested and is subject to all applicable code requirements. Additional zoning requirements may apply.

SITE PLAN
 1" = 10'-0"

1 TS



DEMOLITION PLAN
 1" = 10'-0"

2 TS