



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

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

Date: February 11, 2019
To: Interested Person
From: Tanya Paglia, Land Use Services
503-823-4989 / Tanya.Paglia@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 18-187474 HR – DRIVEWAY EXPANSION

GENERAL INFORMATION

Applicant/Owners: Sandra & Steven H. Hohf
2033 SW Madison Street | Portland, OR 97205-1529
shohf@comcast.net

Site Address: **2033 SW Madison Street**

Legal Description: BLOCK 10&14 TL 7900, AMOS N KINGS
Tax Account No.: R024401810
State ID No.: 1N1E33CD 07900
Quarter Section: 3027

Neighborhood: Goose Hollow, contact planning@goosehollow.org.
Business District: Goose Hollow Business Association, contact Angela Crawford at 503-223-6376., Stadium Business District, contact Tina Wyszynski at tina@stadiumdistrictpx.biz

District Coalition: Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

Plan District: None
Other Designations: Non-Contributing Resource in the King's Hill Historic District

Zoning: **R5, RH** – Residential 5,000 and High Density Residential with Historic Resource Protection Overlay
Case Type: **HR** – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

PROPOSAL:

The applicant is seeking Historic Resource Review approval for a proposal to expand and level the upper (northernmost) portion of an existing driveway of a non-contributing house in the

King's Hill Historic District. The existing driveway will be resurfaced with new asphalt and the project will add 497 SF of paved surface to the overall driveway area. The new surface (asphalt) will be the same as existing.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations in the King's Hill Historic District.

RELEVANT APPROVAL CRITERIA:

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

- King's Hill Historic District Guidelines

ANALYSIS

Site and Vicinity: The subject property is a non-contributing resource in the King's Hill Historic District. The house is a two-story contemporary structure with vertical board cladding built in 1968. The site is located in a hilly area west of the downtown core, where residential development includes a wide variety of styles and densities. The house sits on a 14,315 SF lot with a driveway that curves down a slope to SW Madison St, the property's only street frontage.

The site features a heritage tree (Portland Heritage Tree #128), a 54-inch atlas cedar (*Cedrus libani* ssp. *atlantica*). According to an arborist's assessment, dated July 5, 2018:

“A basic visual evaluation of the tree was conducted from the ground on all sides of the tree to evaluate general health and record observations of site conditions, defects, and outward signs of possible internal defects. The tree is in good health with fair structure, with several main lateral branches having excessive end weight, which can be problematic for this species. Reduction of end-weight particularly on leaders overhanging the house was discussed. At least six large-diameter branches had been removed in recent years.”

The property is located in the southeastern corner of the historic district. It is abutted by three contributing properties to the north (the *Gaston-Strong House*, the *Rosa Reed House* and the *Francis R. Chown House*), one to the west, and one to the southwest. The two abutting properties to the east are the contributing *William Haseltine House #2* and the non-contributing *William Haseltine House #1*. The *William Haseltine House #2* is a two-story Queen Anne vernacular style house constructed in 1890, making it one of the oldest houses in the King's Hill Historic District. It is also abutted by multiple non-contributing properties across the street to the south.

The site is at the eastern edge of the King's Hill Historic District, which was locally designated as a historic district and then listed in the National Register of Historic Places in 1991. The majority of the contributing resources in the district were built during the great upswing in population and construction following the successful Lewis & Clark Exposition of 1905. King's Hill contains a significant concentration of historic middle-class houses and apartment buildings from the period 1882 to 1942. Many of the surviving houses in the district are the work of prominent local architects, representing a broad spectrum of styles from Italianate to Moderne.

As the name “King's Hill” implies, topography plays a significant role in the character of this neighborhood. Because of the relatively steep grade of the land, buildable lots had to be created by terracing, which resulted in historic retaining walls along many street frontages. The area also includes several independent plats, so that some streets misalign, and others are only separated by a block of one lot's depth. Streets tend to be lined with mature deciduous trees. 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 High Density Residential (RH) is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services. Newly created lots in the RH 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 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 there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **July 5, 2018**. The following seven Bureaus, Divisions and/or Sections responded with no objections and four of these included comments found in Exhibits E1-E3 and below:

- Urban Forestry (Exhibit E.1)
- Site Development Review Section of Bureau of Development Services (Exhibit E.2)
- Life Safety Division of the Bureau of Development Services (Exhibit E.3)
- Fire Bureau
- Bureau of Transportation Engineering and Development Review
- Water Bureau
- The Bureau of Environmental Services provided the following comment:

It appears that this project creates or redevelops less than 500 square feet of impervious area, therefore pollution reduction and flow control requirements of the Stormwater Management Manual (SWMM) are not triggered. However, a safe stormwater disposal location that does not impact adjacent properties and/or structures must be shown at the time of building permit submittal. BES does not object to the requested historic resource review.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 5, 2018. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic 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.

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

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.

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.

D12. Parking Areas and Garages. Design surface parking to be consistent with the design of the building it serves. Modify historic parking structures to be compatible with the accompanying building by retaining their defining architectural characteristics. Where possible, share parking areas to reduce disruption of the historic sidewalk landscape pattern.

Findings for A1, P3, D6, D7, D8 and D12: The proposed project will integrate with the site and will not impact the historic character of the King's Hill Historic District. The new surface (asphalt) will be the same as the existing driveway and will blend in with existing conditions. Were the existing driveway an entirely new feature of the site there might have been an alternative placement that would have better met the applicable guidelines, however, as a modest addition to an existing driveway, the proposal adequately meets guidelines and will not detract from the property's compatibility with the historic district

The driveway expansion is a relatively small alteration given the size of the property. The project will add 497 SF of paved surface to the overall driveway area of the 14,315 SF site. The house as well as the location of the driveway expansion are located on an elevated portion of the lot with surrounding landscaping. Given the topography and landscape, the proposed alterations will not be visible from the street or surrounding properties. The new paved area, while in front of the house, will not obscure views to the site. No changes to the non-contributing house are proposed.

With a Condition of Approval that, as noted in the Urban Forestry Response (exhibit E-1), the Tree Protection Plan for private 54” Atlas Cedar Heritage Tree provided by Teragan and Associates on July 5, 2018, be followed 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 requirements of Title 11 can be met, and 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 and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of expansion and leveling the upper (northernmost) portion of an existing driveway of a non-contributing house in the King’s Hill Historic District, per the approved site plans, Exhibits C-1 through C-2, signed and dated 2/8/2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 18-187474 HR." 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. The Tree Protection Plan for private 54” Atlas Cedar Heritage Tree provided by Teragan and Associates on July 5, 2018, shall be followed.
- D. No field changes allowed.

Staff Planner: Tanya Paglia

Decision rendered by:  **on 2/8/2019.**

By authority of the Director of the Bureau of Development Services

Decision mailed: 2/11/2019

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 June 15, 2018, and was determined to be complete on June 29, 2018.

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 June 15, 2018.

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 requested that the 120-day review period be extended by the full 245 days allowed. Unless further extended by the applicant, **the 120 days will expire on: June 29, 2019.**

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 2/25/2019** 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **2/25/2019** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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

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

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

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

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

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

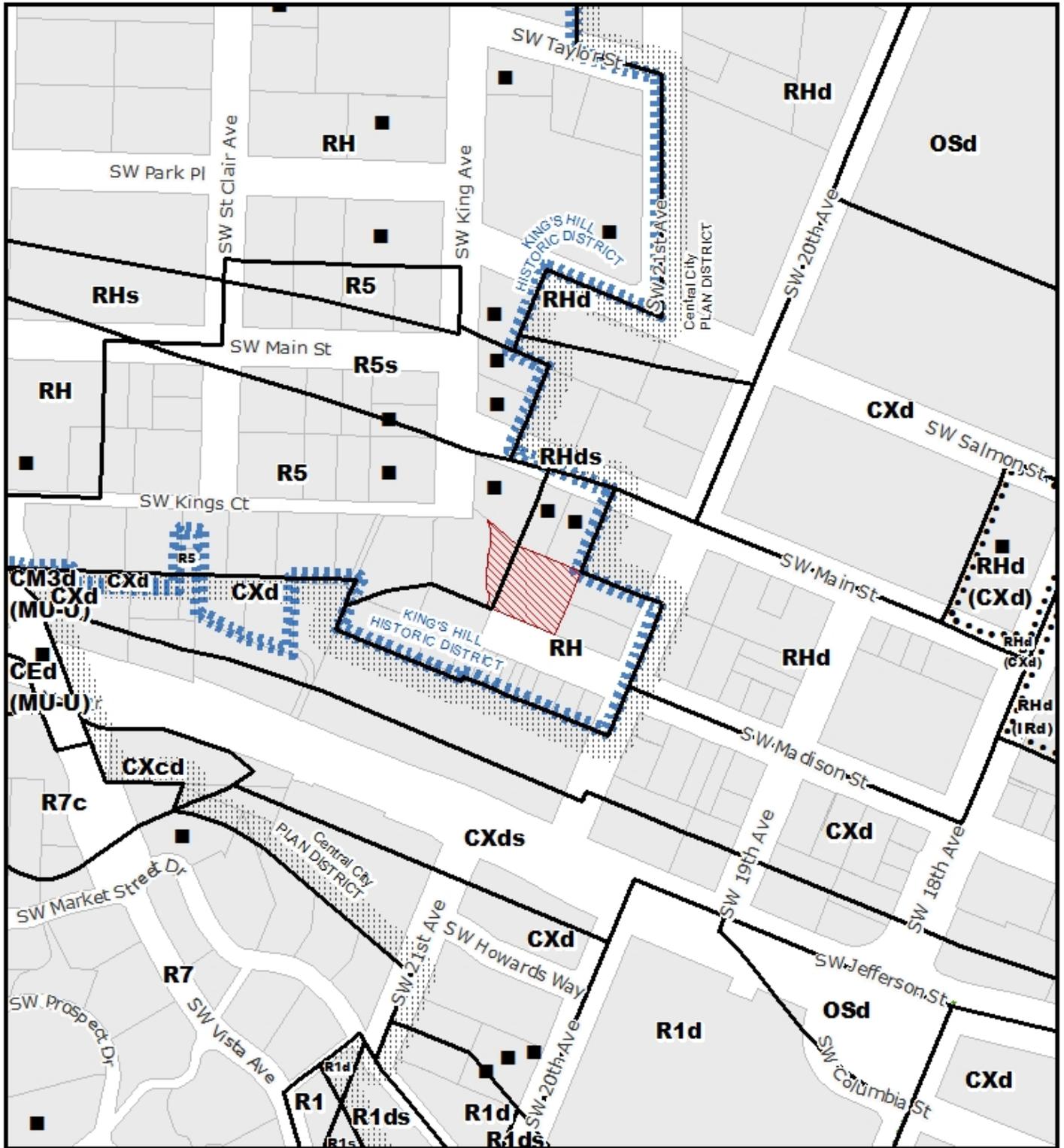
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 1. Applicant's Project Memo
 2. Arborist Report
 3. Email from Applicant with Site Photos
 4. Plan Set Cover sheet
 5. Topographic Survey
 6. Erosion and Sediment Control Plan
 7. Request for Extension of 120-Day Review Period for 245 days dated 10/19/2018
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan – existing (attached)
 2. Site Plan – proposed with area of new paving (attached)
- D. Notification information:
 1. Mailing list

- 2. Mailed notice
- E. Agency Responses:
 - 1. Urban Forestry
 - 2. Site Development Review Section of Bureau of Development Services
 - 3. Life Safety Division of the Bureau of Development Services
- F. Correspondence: None received
- G. Other:
 - 1. Original LU Application
 - 2. Oregon Historic Site Record

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

NORTH

THIS SITE LIES WITHIN THE:
KING'S HILL HISTORIC DISTRICT

-  Site
-  Historic Landmark
-  Recreational Trails

File No.	LU 18-187474 HR
1/4 Section	3027,3127
Scale	1 inch = 200 feet
State ID	1N1E33CD 7900
Exhibit	B Jun 19, 2018



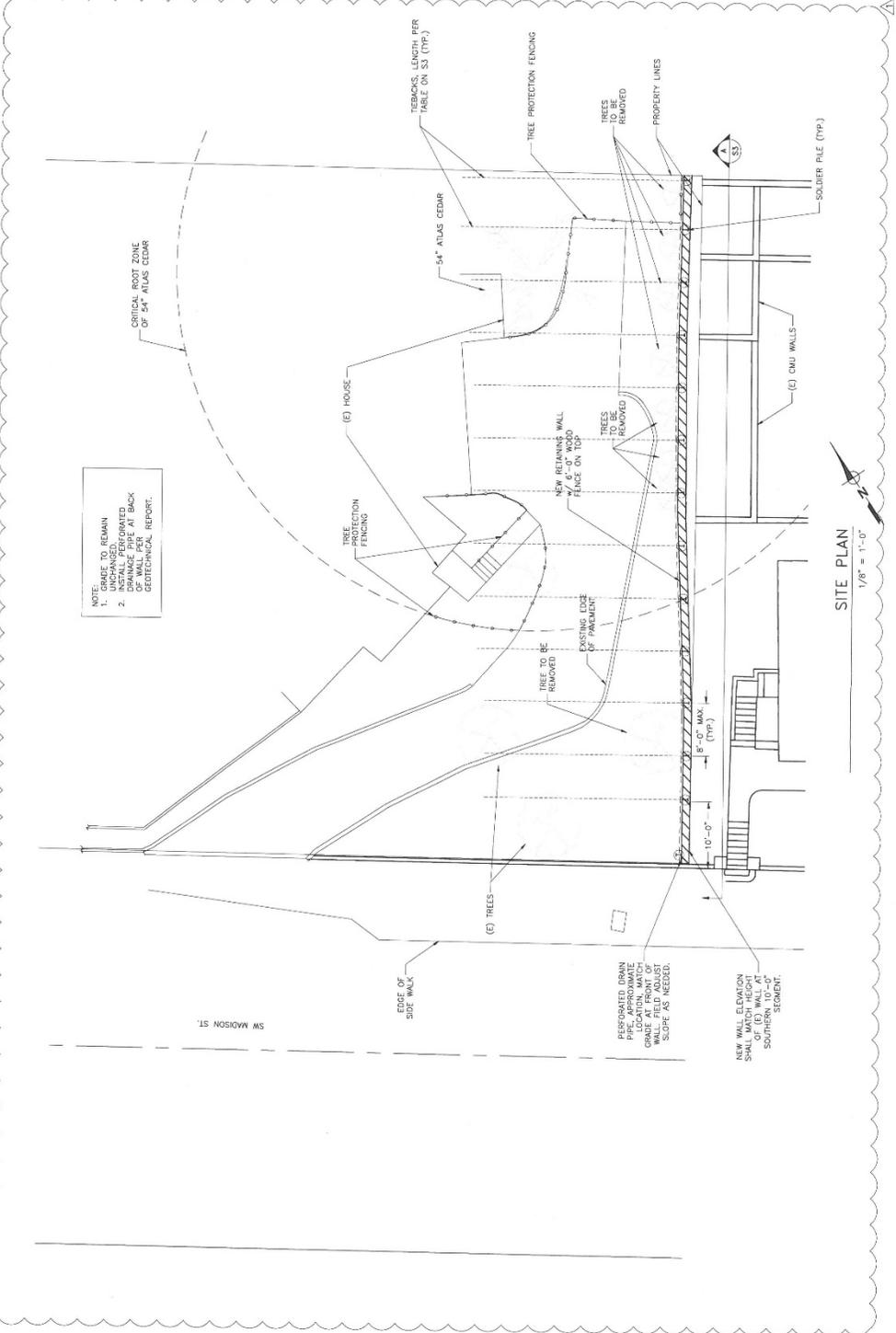
PSE
 PERSONS MECHANICAL ENGINEERS
 9400 SW Barnes Rd., Suite 100
 Portland, Oregon 97225
 (503) 242-1635

CLIENT INFO:
 STEVE HOHF
 2033 SW MADISON STREET
 PORTLAND, OR 97203

HOHF RESIDENCE
 RETAINING WALLS
 PROJECT SITE:
 HOHF RESIDENCE
 2033 SW MADISON STREET
 PORTLAND, OR 97203

SHEET CONTENT	1801-0017-02.01
JOB No.	1801-0017
DRAWN	CHECKED
KEJ	MWP
DATE	06/06/18
REVISIONS	07/16/18
SHEET	S2.0 of 7

SCALE
 0 10 20
 FEET
 0 10 20
 METERS



NOTE:
 1. GRADE TO REMAIN
 TO BE PERFORMED
 2. INSTALL PERFORATED
 DRAINAGE PIPE AT BACK
 OF WALL. SEE GEOTECHNICAL
 REPORT.

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

Approved
 City of Portland - Bureau of Development Services
 Date 2/18/2019
 Applies only to the reviews requested and is subject to all other applicable rules and regulations. Additional zoning requirements may apply.



PSE
 PETERSON STRUCTURAL ENGINEERS
 9400 SW Barnes Rd., Suite 100
 Portland, Oregon 97225
 (503) 282-1833

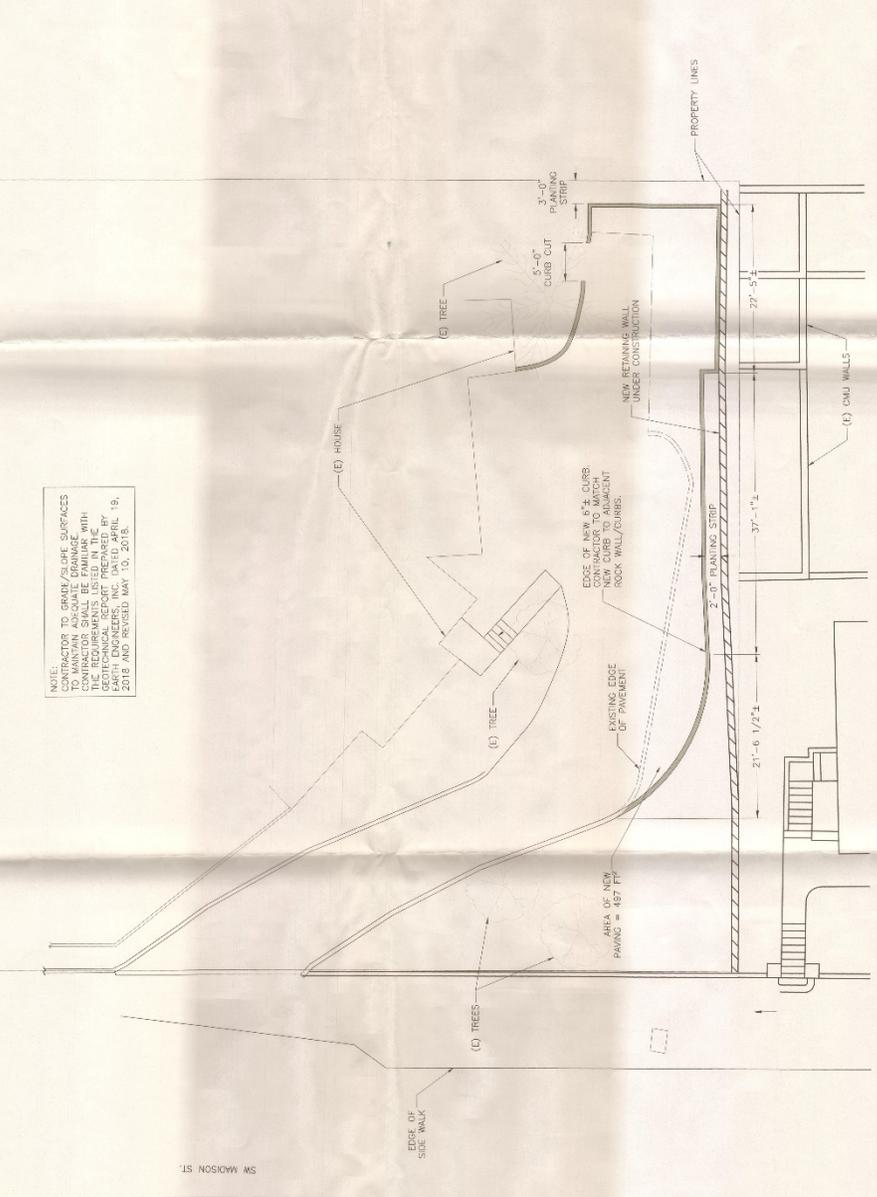
CLIENT INFO:
 STEVE HOHN
 2033 SW MADISON STREET
 PORTLAND, OR 97203

PROJECT SITE:
 HOHF RESIDENCE
 2033 SW MADISON STREET
 PORTLAND, OR 97203

SHEET CONTENT
 1801-0017-04
 SITE PLAN

JOB No. 1801-0017
 DRAWN KEJ
 CHECKED MWP
 DATE 06/08/18
 REVISIONS

SHEET
 S1 of 1



NOTE: CONTRACTOR TO GRUB/REMOVE SURFACES TO MAINTAIN ADEQUATE DRAINAGE. CONTRACTOR SHALL BE FAMILIAR WITH ALL APPLICABLE CODES AND REGULATIONS. GEOTECHNICAL REPORT PREPARED BY EARTH ENGINEERS INC. DATED APRIL 19, 2018 AND REFERRED MAP 101-2018P.

City of Portland - Bureau of Development Services
 Permit # 211111
 * This separate application only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



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

PROJECT NARRATIVE:
 EXPANSION OF THE PAVED DRIVEWAY AREA BY 450 SQ. METERS. REVISIONS TO THE PREVIOUS PLAN SHALL BE PER THE GEOTECHNICAL REPORT. NOTE: NO PUBLIC RIGHT-OF-WAY EXTENT OF PAVING WILL ALSO BE OUT OF VIEW FROM ADJACENT STREET/SIDEWALK.

SITE SUMMARY:
 ADDRESS: 2033 SW MADISON ST.
 PORTLAND, OR 97205
 OCCUPANCY: LIGHTWOOD FRAMED (DENCE & LAGRANGE)
 PROPERTY ID: R1025023
 CONSTRUCTION TYPE: REINFORCED CONCRETE (MAJOR RETAINING WALL)