



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

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
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Date: April 2, 2012
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 12-114868 HDZ – NEW GARAGE

GENERAL INFORMATION

Applicant: Carlo and Jennifer Tiana
1314 SE 55th Avenue
Portland, OR 97215-2664

Representative: Kristopher Celtnieks
John Cava Architect
3511 NE 7th Avenue 503-729-6182
Portland OR 97212

Site Address: 1314 SE 55th Avenue

Legal Description: BLOCK 2 LOT 4-6, BUEHNERS ADD
Tax Account No.: R115600230
State ID No.: 1S2E06AC 14700
Quarter Section: 3136
Neighborhood: Mount Tabor
Business District: Hawthorne Blvd. Bus. Assoc., contact Kevin Caplener at 503-232-4763.
District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010.
Other Designations: Historic Landmark, pursuant to listing in the National Register of Historic Places as the Samuel Cobb House, on April 14, 1999.

Zoning: R5, Residential 5,000, with Historic Resource Protection Overlay zoning.

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

Proposal:
The applicant is seeking Historic Design Review approval for a proposal to construct a new 836 square foot garage in place of a demolished, non-contributing garage. Historic Design Review is required because the proposal is for non-exempt new construction on the site of a Historic Landmark.

Relevant Approval Criteria:

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

- 33.846.060 G Other Approval Criteria

ANALYSIS

Site and Vicinity: Built in 1911, the Samuel Cobb House is listed in the National Register of Historic Places as a locally significant example of a large, high-style residence influenced by the Arts and Crafts and Craftsman stylistic movements. The design of the house reflects examples in pattern books of the period and is presumed to be the work of Samuel Cobb himself, given his early background as a carpenter/builder and the high level of involvement he is known to have had in the selection of its materials and furnishings. In addition to its architectural character the house is significant for its association with Cobb himself, who lived in it from its completion until his death in 1951, a period during which he prospered greatly as a lumberman, served several terms as a state legislator, and built a strong reputation as a philanthropist. He is perhaps best remembered as the donor of the property in the canyon of the Sandy River that was developed by the Camp Fire Girls organization in 1924 as Camp Namanu.

Zoning: The single-dwelling zones, including R5, are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

The Historic Resource Protection Overlay zone protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

Land Use History: City records indicate there are no relevant prior land use reviews for this site.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed on March 2, 2012.

Agency Review: None of the notified Bureaus has responded with issues or concerns.

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

ZONING CODE APPROVAL CRITERIA**Chapter 33.846.060 - Historic Design Review****Purpose of Historic Design Review**

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

Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is a designated Historic Landmark outside the Central City Plan District and not within in a Historic or Conservation District, and the proposal is for

non-exempt treatments. Therefore the proposal requires Historic Design Review approval. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

Staff has considered all the approval criteria and addressed only those applicable to this proposal.

33.846.060 G - Other Approval Criteria

1. Historic character. The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

Findings: The relatively open, upward sloping site, 24,570 square feet in area, is surrounded on most of its perimeter by a historic cast stone retaining wall, and, as viewed from SE 55th Avenue, is dominated by the large, two and a half story residence. The house is located on a leveled central bench about ten feet above street grade at the corner of SE Madison Street and SE 55th Avenue. There are existing curb cuts toward mid-block on both frontages. A small, non-contributing garage at street level facing SE Madison will be demolished and the proposed new garage will use the entry and drive opening onto SE 55th. Because the garage will be sited behind the house, out of general view from the street, the significant historic dominance of the house will remain unaffected. *This criterion is met.*

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: Because the proposal includes significant excavation of previously undisturbed soil, there is increased potential that archaeological resources could be impacted. *With a condition of approval that, in the event of any archaeological discovery, work will be stopped and the State Archaeologist will be notified, this criterion is met.*

7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 7, 8, and 10: The proposed new garage will be subordinate to and compatible with the Historic Landmark house because it will be sited in an interior corner of the lot, well behind the residence; and because it will employ the same cladding materials, window and door types, finishes, details, and roof pitch as the house. The garage doors will face away from the street, and to the degree that it will be visible from the street, the composition of the new gable end wall will blend closely with the character of the house. Under closer scrutiny, however, the garage would reveal itself as a modern addition because of the much larger size of its parking bays. *These criteria 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 proposal both accommodates the desire of the applicant for enclosed parking closer to the house and respects the historic character of the Samuel Cobb house. The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

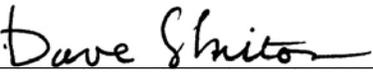
ADMINISTRATIVE DECISION

Approval of a new 836 square foot garage at the Historic Landmark Samuel Cobb house;

Approval per Exhibits C-1 through C-8, signed and dated March 28, 2012, 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 through C-8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-114868 HDZ. No field changes allowed."
- B. In the event of archaeological discovery during excavation, work will be stopped and the State Archaeologist will be notified.

Staff Planner: Dave Skilton

Decision rendered by:  **on March 28, 2012.**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 2, 2012

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on February 22, 2012, and was determined to be complete on **February 28, 2012.**

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 22, 2012.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be

waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period.

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

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

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

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

Appealing this decision. This decision may be appealed to the Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on April 16, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Historic Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **April 17, 2012**.
- A building or zoning permit will be issued only after the final decision is recorded.

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

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

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

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

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

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

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

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Floor and Roof Plans
 3. South and West Elevations (attached)
 4. North and East Elevations (attached)
 5. Garage and Garden Room Sections
 6. Foundation and Attic Framing Plans
 7. Roof Framing Plan
 8. Eave and Foundation Details

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

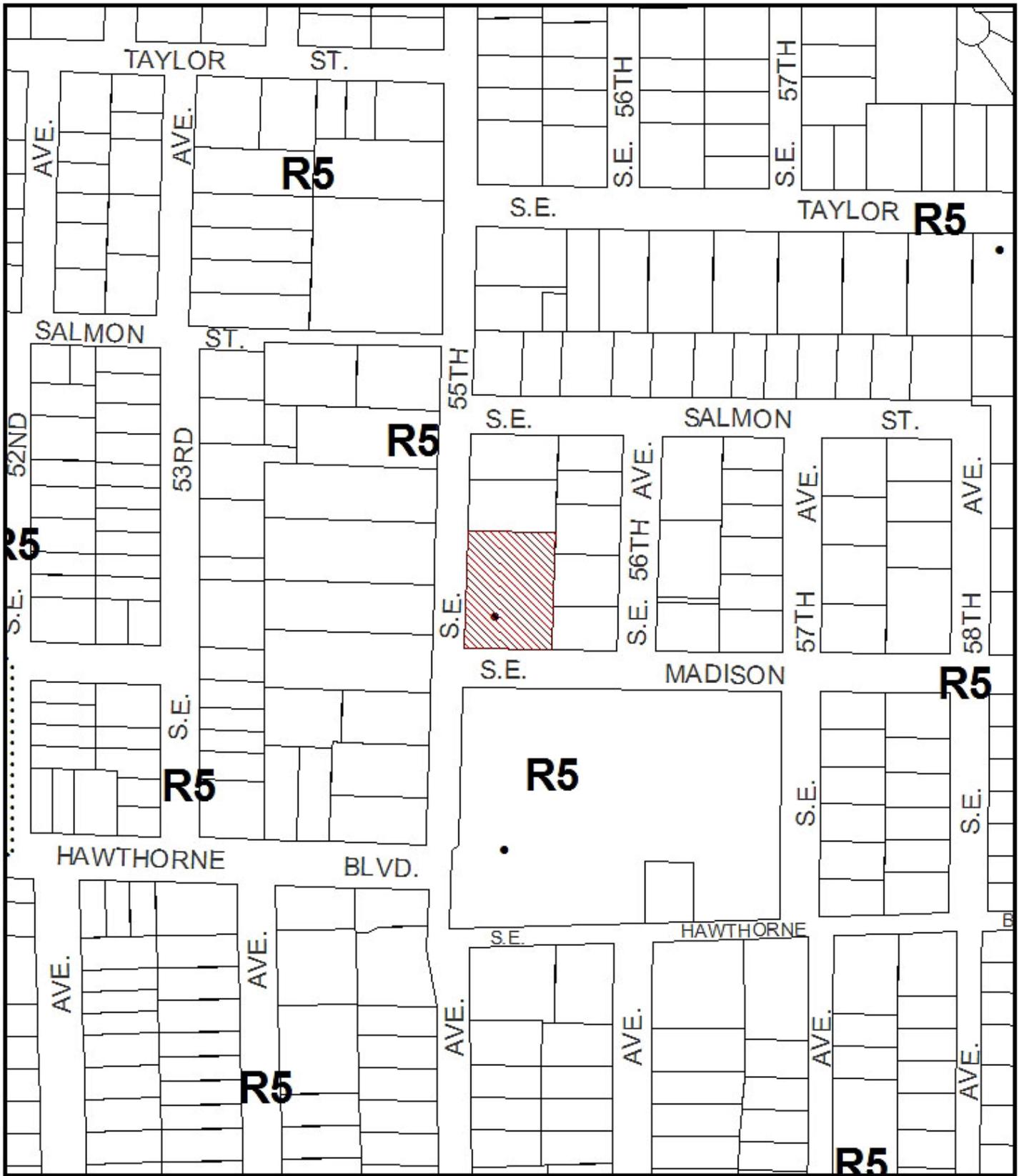
1. Bureau of Environmental Services
2. Water Bureau
3. Life Safety Review Section of BDS
4. Bureau of Parks, Forestry Division

F. Correspondence: none

G. Other:

1. Original LU Application
2. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



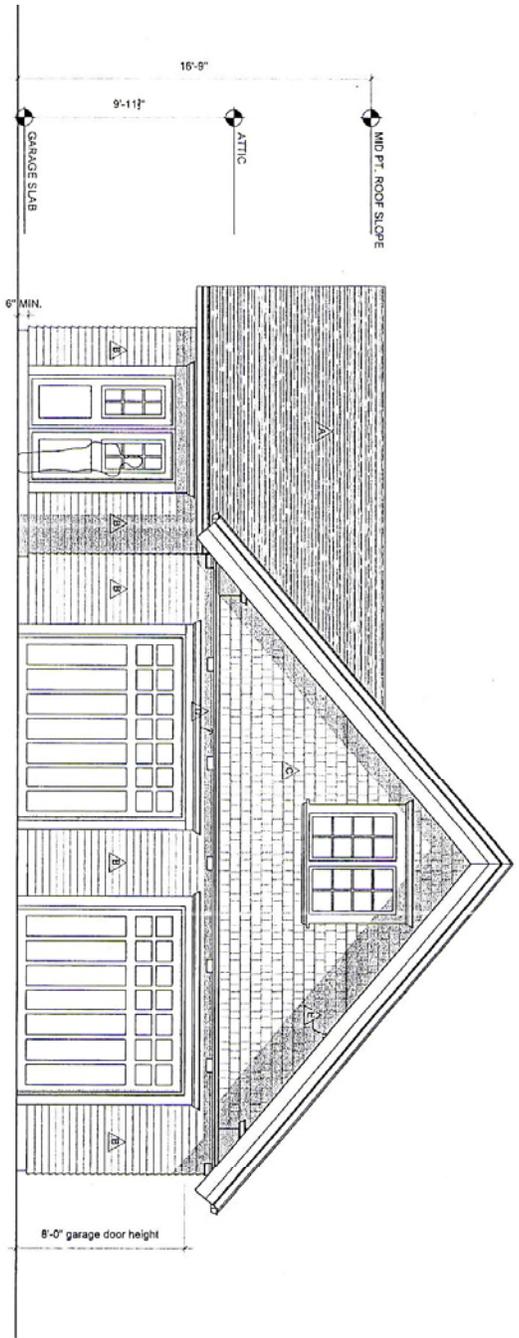
ZONING

 Site

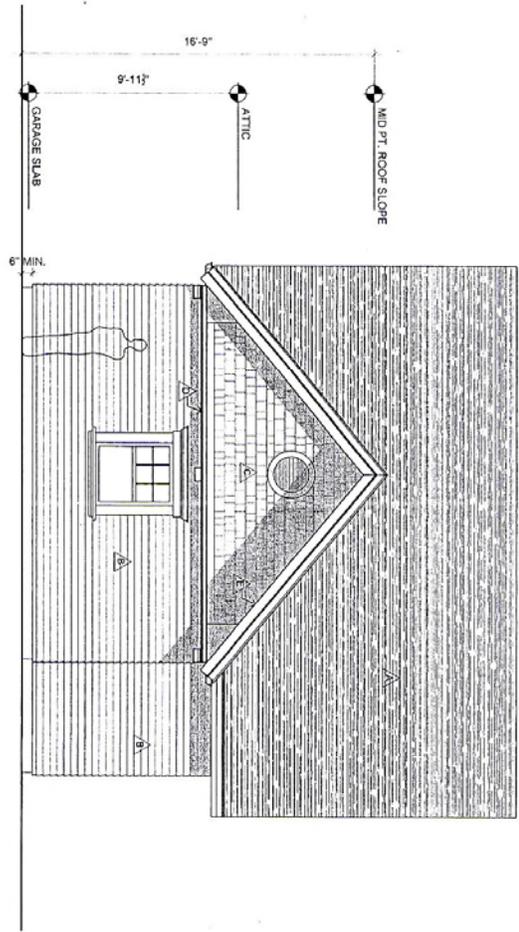
 Historic Landmark



File No.	<u>LU 12-114868 HDZ</u>
1/4 Section	<u>3136</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S2E06AC 14700</u>
Exhibit	<u>B</u> (Feb 28,2012)



1 South Elevation
Scale: 1/4" = 1'-0"



2 West Elevation
Scale: 1/4" = 1'-0"

- KEY**
- ▲ COMPOSITE ASPHALT ROOF
 - ▲ HARDY PLANK LAP SIDING - MATCH EXISTING HOUSE SIZE & COLOR
 - ▲ SHINGLE SIDING - MATCH EXISTING HOUSE SIZE & COLOR
 - ▲ GABLE END TREATMENT - MATCH EXISTING HOUSE SIZE & COLOR
 - ▲ SARGE RAFTERS - MATCH EXISTING HOUSE SIZE & COLOR



Elevations

New Garage
1314 SE 55TH AVE
PORTLAND, OR 97215
20 FEB 2012

Approved

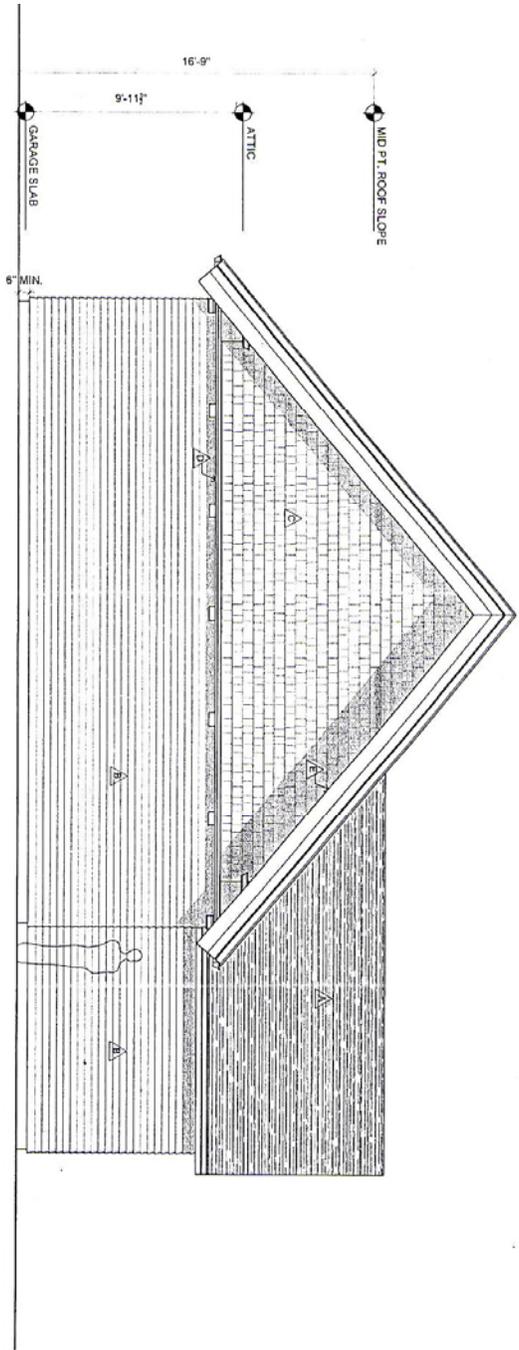
City of Portland - Bureau of Development Services

Planner Dave Shilton Date 3.28.12

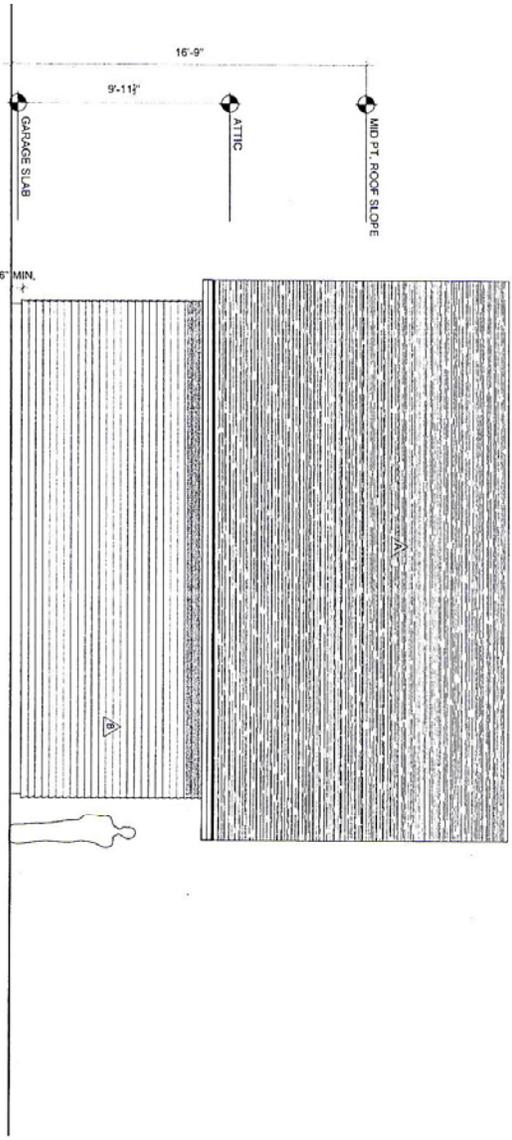
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

A3.0

C-3



1 North Elevation
scale: 1/8" = 1'-0"



2 East Elevation
scale: 1/8" = 1'-0"

KEY

	• COMPOSITE ASPHALT ROOF
	• HORIZONTAL LAP SIDING - MATCH EXISTING HOUSE SIZE & COLOR
	• SHINGLE SIDING - MATCH EXISTING HOUSE SIZE & COLOR
	• CABLE END TREATMENT - MATCH EXISTING HOUSE SIZE & COLOR
	• BRIDGE PASTER - MATCH EXISTING HOUSE SIZE & COLOR



John M. Cain
1814 SE 7TH AVE
Portland, OR 97215
Date: 20 FEB 2012
Permit:
Revision:

Approved
City of Portland - Department of Development Services
Planner Dave Skilton Date 3.28.12
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

A3.1

C-4