



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

Charlie Hales, Mayor
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: March 8, 2013
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 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 13-113604 HDZ _ REAR YARD STAIR

GENERAL INFORMATION

Applicant: Jeff Hand
Ja Hand Construction Inc
P.O. Box 2195
Lake Oswego, OR 97035

Owner: Martha Lomask
24 SW Whitaker Street
Portland, OR 97239-4645

Site Address: 24 SW Whitaker Street

Legal Description: BLOCK 132 E 35' OF LOT 7&8, CARUTHERS ADD
Tax Account No.: R140912540
State ID No.: 1S1E10BC 10200
Quarter Section: 3329
Neighborhood: South Portland NA., contact Jim Davis at 503-248-9820.
Business District: South Portland Business Association, contact Kevin Countryman at 503-750-2984.
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Other Designations: Contributing resource in the South Portland Historic District, which was listed in the National Register of Historic Places on July 31, 1998.

Zoning: R2, Multi Dwelling Residential 2000, with Historic Resource Protection Overlay

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 replace a deteriorated concrete basement stair and pipe handrail in the rear yard with a new concrete

stair and metal handrail. The proposal is subject to Historic Design Review because it is for a non-exempt exterior alteration in a historic district.

Relevant Approval Criteria:

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

- Lair Hill District Guidelines

ANALYSIS

Site and Vicinity: The subject property is a modest Queen Anne Style cottage typical of the historic working class character of the South Portland Historic District. The architectural character of the house is mostly intact and it is evaluated as a contributing resource in the historic district.

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 multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The R1 zone is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

The Historic Resource Protection overlay 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: No previous land use cases are recorded for this property.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed on February 11, 2013.

Agency Review: None of the notified Bureaus has responded with 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 located within the South Portland Historic District and the proposal is for a non-exempt treatment. Therefore Historic Design 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 is for replacement of an historic but deteriorated, concrete, exterior, below-grade basement stair with a new stair to match. The guidelines do not speak directly to this situation. Because the proposed replacement is in kind and the location is inconspicuous relative to the listed resource, which is the South Portland Historic District, the alteration will have no adverse effect on historic character. *This guideline 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 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 rear basement stair replacement on a contributing resource in the South Portland Historic District;

Approval is per Exhibits C-1 through C-5, signed and dated March 5, 2013, subject to the following condition:

- 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-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-113604 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on March 5, 2013.**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 8, 2013

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 6, 2013, and was determined to be complete on February 7, 2013.

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 6, 2013.

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 March 22, 2013** 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 **March 25, 2013**.
- 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:

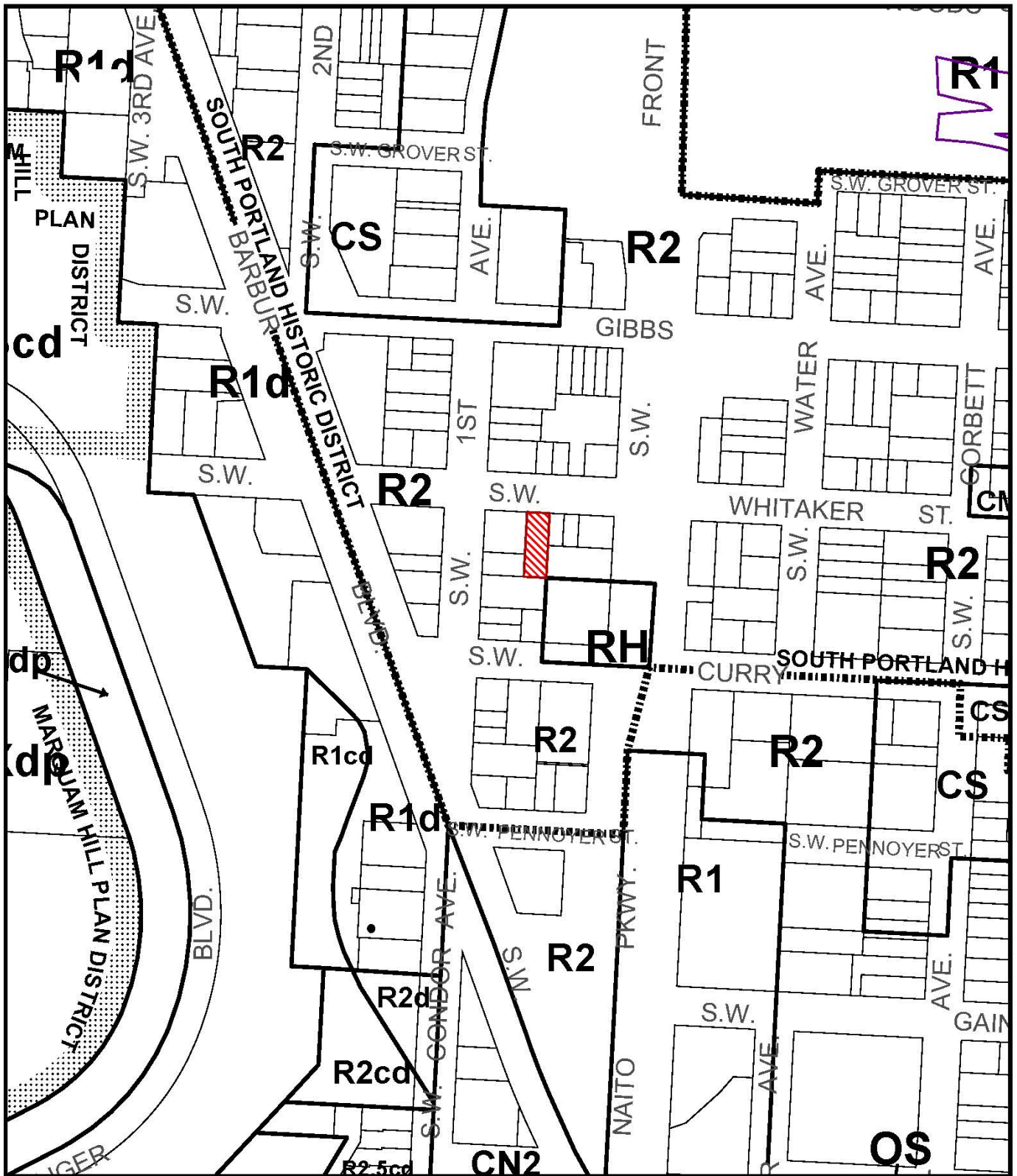
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Stair Sections
 - 3. Railing Section
 - 4. Stair Photo attached)
 - 5. Stair Photo
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- 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



NORTH

This site lies within the:
SOUTH PORTLAND HISTORIC DISTRICT

File No. LU 13-113604 HDZ

1/4 Section 3329

Scale 1 inch = 200 feet

State_Id 1S1E10BC 10200

Exhibit B (Feb 07, 2013)

HE CONSULTING ENGINEERS
1000 NE 10TH AVE
PORTLAND, OR 97232
503.241.1136

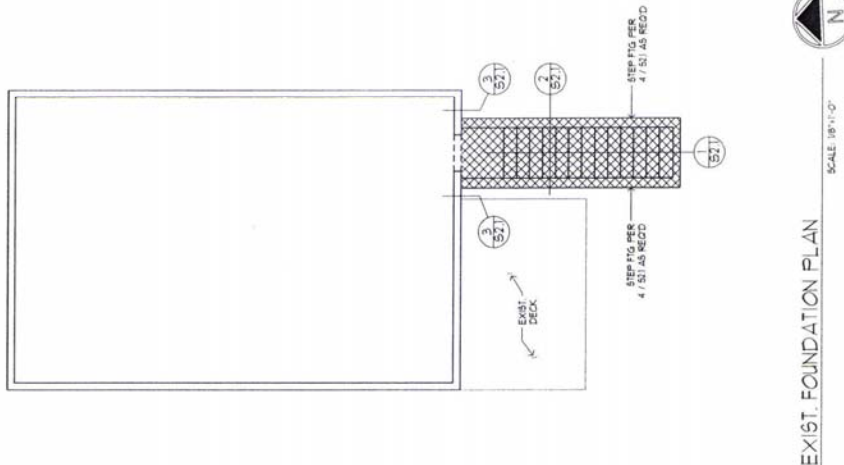
24 SE WHITTAKER ST
PORTLAND, OR

EXIST. FOUNDATION
PLAN

DATE: 12/07
DRAWN BY: JAK
CHECKED BY: JAK
JOB NO: MT 2-02

REVISIONS

511



EXIST. FOUNDATION PLAN
SCALE: 1/8"=1'-0"

LEGEND

INDICATES NEW FOUNDATION

INDICATES WALL BELOW FINISHING LEVEL

INDICATES DETAIL REFERENCE

APPLIES TO ALL SIMILAR LOCATIONS

- STRUCTURAL NOTES**
- CODE: 1000 GISC AND 1001 GISC
 - DESIGN LIVE LOAD: 40 PSF
 - DESIGN DEAD LOAD: 40 PSF
 - DESIGN SOIL BEARING: 5000 PSF ASSUMED
 - EARTHWORK:
 - EXCAVATE TO LINES & LEVELS SHOWN ON DRAWINGS. ALL FOOTINGS TO BEAR ON FIRM UNDISTURBED NATIVE SANDS
 - CONCRETE:
 - REFERENCE SPECIFICATION: ACI 301 PLANT MIX PER ASTM C94
 - SPERMATION
 - REINFORCING:
 - GROUND FLOOR SLAB: 3000 PSI AT 28 DAYS
 - FOOTINGS: WALLS 3000 PSI AT 28 DAYS
 - REINFORCING: ASTM A615, GRADE 60. LAP BARS AS SHOWN ON PLAN WITH MIN. LAP OF 44 BAR DIAMETERS PROVIDE 2" HOOKS AT CORNERS
 - BOLTS: ANCHOR BOLTS - ASTM A307
 - EXPANSION BOLTS - MULTIPLE BOLTS: SPECIAL INSPECTION REQUIRED
 - ADHESIVE ANCHORS - MULTIPLE BOLTS: 500-50 OR SIMPSON SET-UP
 - COVER: AS FOLLOWS FOR EACH OTHERWISE ON PLANS
 - FOOTING: 4" MIN. CONCRETE AGAINST EARTH - 3"
 - GROUND FLOOR SLAB: 4"
 - WALL: 2" MIN. CONCRETE AGAINST EARTH - 1"
 - SLAB: 1" MIN. CONCRETE AGAINST EARTH - 1"
 - REINFORCING: 14 CORRELL
 - MIN. DESIGNS PER ACI 303
 - REINFORCING SHOT DRAWINGS

Approved

City of Portland - Bureau of Development Services

Planner *Doreen Fulton* Date 3.5.13

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

LN 13-113604 HAZ



Approved:
City of Portland - Bureau of Development Services
Planner: *Daniel P. Co* 3-5-13
This approval is subject to a
Building Department permit and may apply

C-4