



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

Charlie Hales, Mayor
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: May 13, 2013
To: Interested Person
From: Mark Bello, Land Use Services
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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 13-122123 HDZ

EXTERIOR ALTERATION - WILLIAM PARSONS LEWIS RESIDENCE

GENERAL INFORMATION

Applicant: Joshua Charles / Nice Construction And Excavation LLC
PO Box 219 / Garibaldi, OR 97118

Owner: Dennis J Murphy
1767 SW Prospect Dr / Portland, OR 97201-2448

Site Address: 1767 SW PROSPECT DR

Legal Description: BLOCK 65 LOT 1 TL 2900, CARTERS ADD TO P
Tax Account No.: R140403720
State ID No.: 1S1E04BB 02900
Quarter Section: 3127
Neighborhood: Southwest Hills Residential League, Nancy Seton at 503-224-3840.
District Coalition: Southwest Neighborhoods Inc., Leonard Gard at 503-823-4592.
Zoning: R10c Residential 10,000 with "c", environmental conservation 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 link the house and detached garage with a covered walkway, a distance of approximately 30 feet. Also, two separate stairs will lead from the house and the garage to the yard.

All work is proposed within the 25' transition zone of the 'c' environmental overlay zone.

Historic Design Review approval is required because the proposal is for non-exempt exterior alteration on a Historic Landmark property. As all work is proposed within the 25' transition zone of the 'c' environmental overlay zone, environmental review is not required.

Relevant Approval Criteria:

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

- 33.846.060.G – Other Approval Criteria

ANALYSIS

Site and Vicinity: The designation file provides the following information:

The residence is a vernacular form of Colonial Revival style of residence. It has most of the characteristics of this style, with the exception of the siding which is broad lap board rather than thin weatherboard. The residence exhibits regular symmetrical form, rectangular massing, a hipped roof and a flat roofed porch with sway embellishments. The fenestrations are double hung windows with multipanes in the upper sash, and casement windows in dormers. Slanted bays on the front elevation light dining room and living room. A porch wraps around the west and south elevations. The second story is cantilevered out over the main floor.

[While not relevant to this review, the interior works off an open floor plan and the entry hall contains a particularly beautiful staircase, the architect's specialty.]

To the south of the house is a garage, vernacular in style and recently repaired. The garage has had a front corner chamfered back from a right angle as it was recently discovered to be partly in the right-of-way. So, being on Prospect Drive and recently repaired, the garage is rather prominent. And, there is a drop off from SW Prospect, so the area proposed for the connecting walk is lower than street level. The yard slopes more than 20 percent, with a 20 ft. drop from the front to the rear property line in the area of proposed work. There are arborescent shrubs along the front property line between the house and garage.

Given the prominence of the house and garage and the downward slope of the site and the presence of vegetation, the area of work is relatively obscured.

The primary significance of this residence is its association with its long-time owner, Dorothy McCulloch Lee (1902-1981) Dorothy Lee was Portland's first woman Mayor and lived in the house during her term of office. Also, the 1986 nomination calls the residence "a very early, rather intact" example of Twentieth Century Colonial. Twentieth Century Colonial is a popular architectural style in Southwest Portland. The City Historic Resources Inventory lists about 98 instances (of a City-wide total of about 250 structures.)

Zoning: The Residential 10,000 (R10) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements Comprehensive Plan policies and designations for single-dwelling housing. Minimum lot size is 6,000 square feet, with minimum width and depth dimensions of 50 and 60 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 10,000 square feet of site area.

The Environmental Conservation Zone "c" overlay conserves important resources and functional values in areas where the resources and functional values can be protected while following environmentally sensitive urban development.

This property was designated a landmark in 1986 and is subject to historic review (case file HL 33-86).

Land Use History: City records indicate there are no prior land use reviews for this site following historic designation in 1986.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **April 8, 2013**. The following Bureaus have responded with no issues or concerns:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Site Development Review Section of BDS
5. Bureau of Parks, Forestry Division
6. Life Safety, BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 8, 2013. 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 of 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 historic character of the property is primarily tied to its history, as the residence of Mayor Lee. No historic materials are proposed for removal. The project will link the house to the garage and also provide new access to the yard without affecting the physical quality of the house. *Therefore, this criterion is met.*

2. Record of its time. The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

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.

Findings for 2 and 7: The proposed exterior alterations will be clearly of a more modern era and will be distinguished from the existing house and garage. New railings will honor the “spade” design of the house railings but will be narrower, in

conformance with current building code. The cedar roof of the walkway will be of a different material than the house and will be at a more shallow pitch than the garage, and the brackets between post and horizontal members will be functional instead of decorative. *Therefore, these criteria are met.*

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.

Findings: The walkway is subservient to the house and garage as the walkway is only as large as required to make a connection between two larger structures that are at street grade and at the property line. The walkway will be set back and below the street and public views will be obscured by vegetation. *Therefore, this criterion is met.*

9. Preserve the form and integrity of historic resources. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

Findings: The walkway and stairs can be removed and existing house and garage remain. *Therefore, this criterion 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 new walkway and staircase add functionality to this historic property without negatively affecting the historic materials. Approval criteria are met and approval is warranted.

ADMINISTRATIVE DECISION

Approval of exterior alterations to the William P. Lewis historic landmark, consisting of walkway and exterior stairs per the approved plans, Exhibits C-1 through C-3, signed and dated May 9, 2013, with 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-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-122123 HDZ. No field changes allowed."

Staff Planner: Mark Bello

Decision rendered by:  **on May 9, 2013**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 13, 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 March 1, 2013, and was determined to be complete on April 1, 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 March 1, 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. Unless further extended by the applicant, **the 120 days will expire on: October 3, 2013.**

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 28, 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 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 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 29, 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.

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:

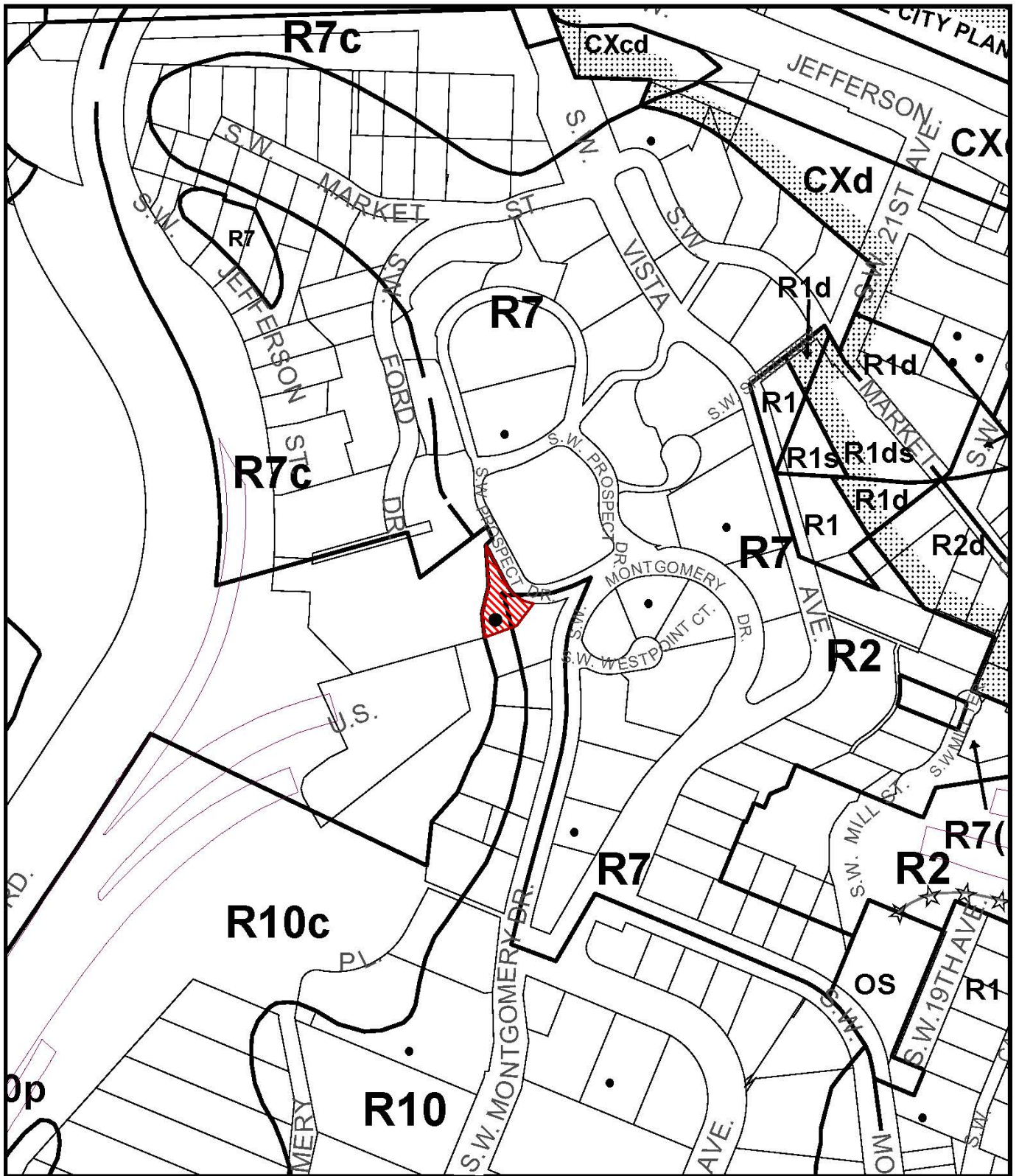
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations, Details, Sections (attached)
 - 3. Railing/Elevation/Section (attached)
 - 4. Landscape Plan
 - 5. Utility Plan
- 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, BDS
- 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



Historic Landmark



NORTH

File No. LU 13-122123 HDZ
 1/4 Section 3127
 Scale 1 inch = 200 feet
 State_Id 1S1E04BB 2900
 Exhibit B (Mar 06,2013)

REV:

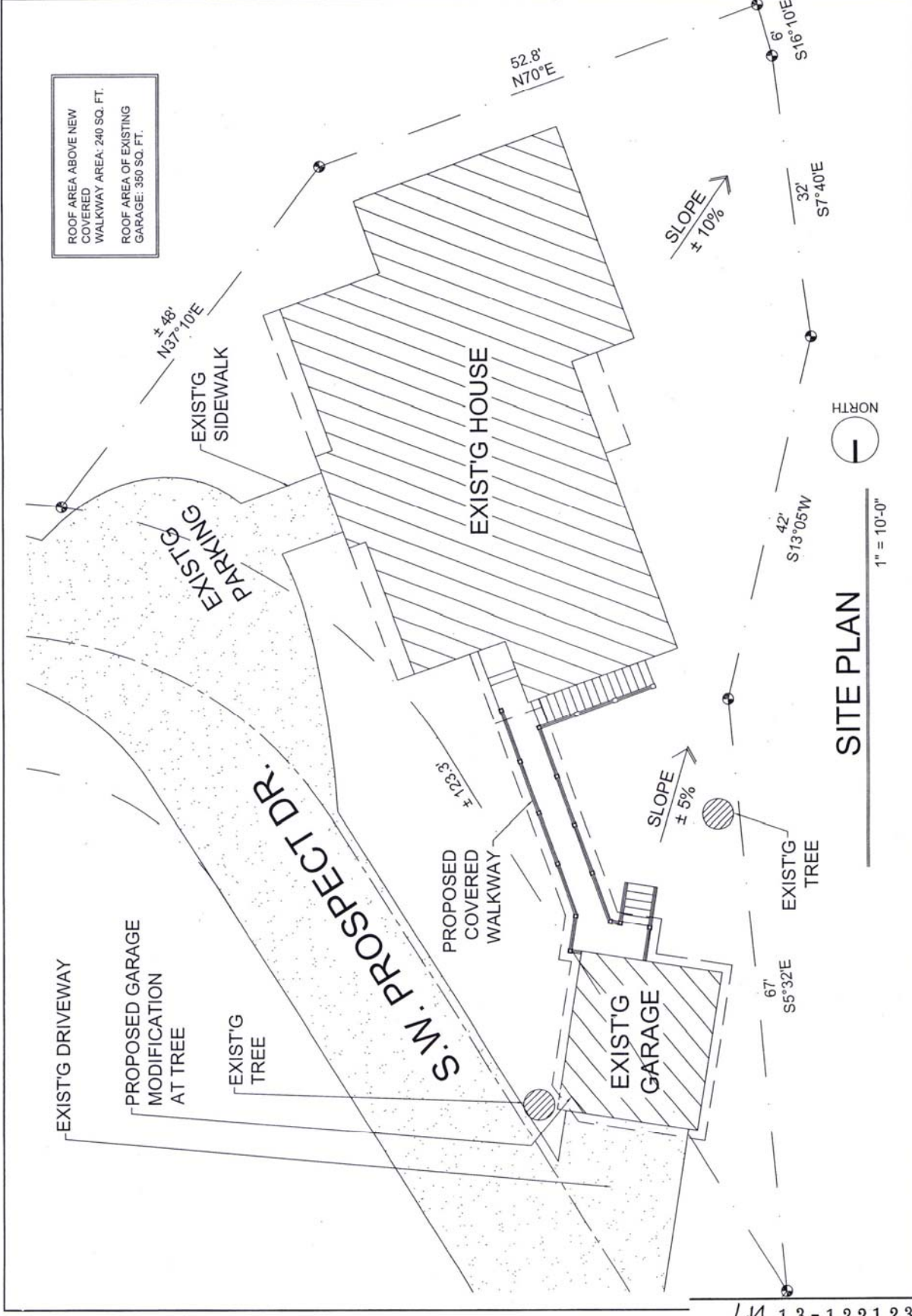
PROJECT FOR:
MURPHY RESIDENCE
1767 S.W. PROSPECT DR.
PORTLAND, OREGON 97201

DAVID ADAMS - BUILDING DESIGN
311 ENGLE AVE., MOLALLA, OR. 97038
(503) 829-4836

DATE:
1-31-2013

SHEET:

1 OF 1



ROOF AREA ABOVE NEW
COVERED
WALKWAY AREA: 240 SQ. FT.
ROOF AREA OF EXISTING
GARAGE: 350 SQ. FT.



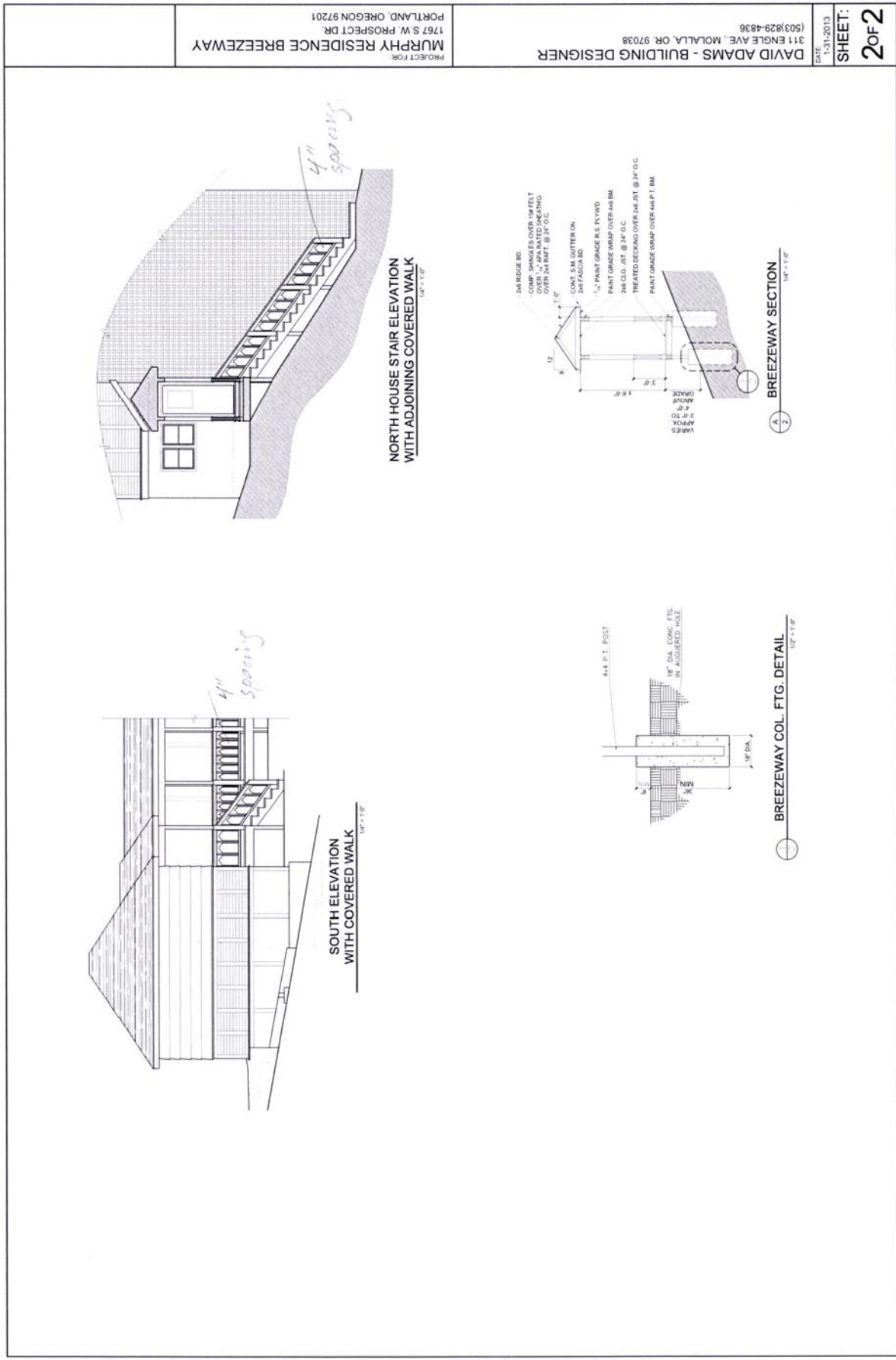
SITE PLAN

1" = 10'-0"

204 13-122123 HWZ

LN 13-122123 HAZ

ELEVATION



DAVID ADAMS - BUILDING DESIGNER
311 ENGLE AVE. MOLALA, OR. 97038
(503) 829-4836
DATE: 1-31-2013
SHEET: 2 of 2

MURPHY RESIDENCE BREEZEWAY
1767 S.W. PROSPECT DR.
PORTLAND, OREGON 97201
PROJECT FOR:

REV:

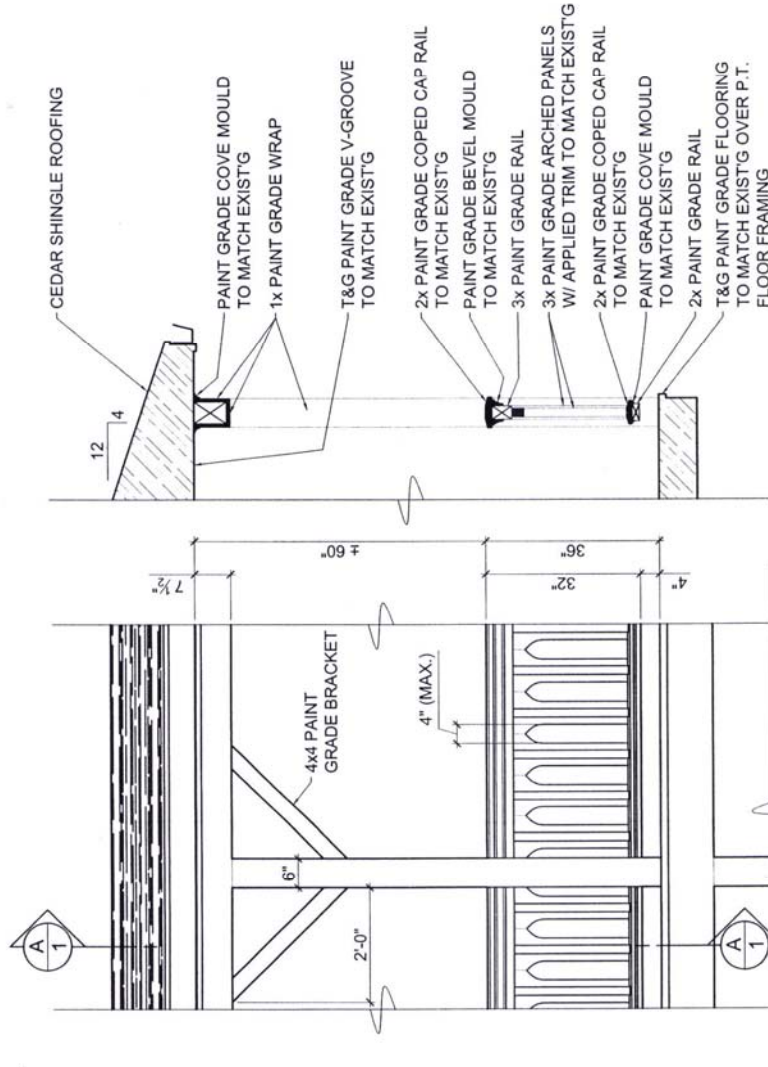
PROJECT FOR:
MURPHY RESIDENCE
1767 S.W. PROSPECT DR.
PORTLAND, OREGON 97201

DAVID ADAMS - BUILDING DESIGN
311 ENGLE AVE., MOLALLA, OR. 97038
(503)829-4836

DATE: 5-6-2013

SHEET:

1 OF 1



SECTION

1/2" = 1'-0"

POST / RAILING ELEV.

1/2" = 1'-0"

CASE NO. 13-123123
EXHIBIT C3



EXISTING POST & RAILING



EXISTING RAILING