

City of Portland, Oregon

Bureau of Development Services

Land Use Services

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FROM CONCEPT TO CONSTRUCTION

FINAL FINDINGS AND DECISION BY THE HISTORIC LANDMARKS COMMISSION RENDERED ON OCTOBER 22, 2012

The Historic Landmarks Commission has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <u>http://www.portlandonline.com/bds/index.cfm?c=46429</u>. 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 12-161670 HDZ PC # 12-138137 King's Hill Townhomes

BDS LUS STAFF:	Dave Skilton	503-823-0660
	dave.skilton@portlandoregon.gov	

GENERAL INFORMATION

Applicant:	Emery Smith, 503-545-3078 / Encore Homes LLC 7989 SE Towhee Court / Milwaukie, OR 97267
Owner:	Malibar Group LLC 1405 Tolman Creek Road / Ashland, OR 97520-3670
	Roy Marvin / Malibar Group LLC 1405 Tolman Creek Rd / Ashland, OR 97520
Architect:	Ted Argo / Argo Architect 7840 SW 131st Avenue / Beaverton, OR 97008
Site Address:	2004-2010 SW Madison Street
Legal Description: Tax Account No.: State ID No.: Quarter Section: Neighborhood: Business District: District Coalition: Other Designations: Zoning: Case Type: Procedure:	E 69.35' OF N 1/2 OF NE 1/4 OF BLOCK 9, AMOS N KINGS R024401550, R024401550 1S1E04BA 03200, 1S1E04BA 03200 3127 Goose Hollow, contact Jerry Powell at 503-222-7173. Goose Hollow Business Association, Angela Crawford at 503-223-6376. Neighbors West/Northwest, contact Mark Sieber at 503-823-4212. Vacant property in the King's Hill Historic District, which was listed in the National Register of Historic Places on February 19, 1991. RH, Residential High Density with Historic Resource Protection Overlay HDZ, Historic Design Review. Type III, with a public hearing before the Historic Landmarks Commission. The decision of the Historic Landmarks Commission can be appealed to City Council.

Proposal: The applicant is seeking Historic Design Review approval for a proposal to develop two, 2.5 story attached dwelling units, with garages, on the site, in the form of two rowhouses, one with a basement unit. Historic Design Review is required because the proposal is for new construction in a historic district.

Approval Criteria: In order to be approved, this proposal must comply with the approval criteria of the Zoning Code (Title 33, Portland City Code). The applicable approval criteria are:
King's Hill Historic District Design Guidelines

ANALYSIS

Site and Vicinity: The subject property lies in a historically working class section of the King's Hill Historic District that is physically separated from the more middle and upper class residential area further up the hill. The site includes a historic, two story, Craftsman Style house, the Clovis Residence, and at the time of nomination included a four-unit structure, identified as the Kolb Flats in the National Register documentation. At some unknown date the Clovis Residence was converted to multiple units and it is currently undergoing rehabilitation. At the former location of the Kolb Flats building, a significant portion of the overall property is currently vacant and it will serve as the site for this proposal when separated from the existing parcel through a concurrent Land Division procedure.

The King's Hill Historic District, within which the subject property is located, contains a significant concentration of historic upper middle-class houses and apartment buildings from the period 1882 to 1942. A few working class residential properties and converted houses are concentrated in the southeastern corner of the district. 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. Many of the surviving houses are the work of prominent early local architects, representing a broad spectrum of styles from Italianate to Moderne. Toward the north end of the district the noncontributing resources include large modernist concrete apartment towers from the late mid-Twentieth Century that are distinctly out of character with the historic district.

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 and property lines. The area also includes several independent plats, so that some streets misalign and others are separated by blocks of only a single lot's depth. Streets throughout the entire historic district tend to be lined with mature deciduous street trees.

Zoning: The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The RH zone is a high density multi-dwelling zone. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use is 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.

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 three prior and two current land use reviews for this site. In addition to the proposal at hand, they are:

- LU 94-011090, approving reduced setbacks for an unbuilt proposal.
- LU 97-015229, approving a seven story multi-dwelling development. The approval was appealed to both the Historic Landmarks Commission and the Land Use Board of Appeals and sustained in both cases. However, the approved project was never built.
- LU 12-116846 HDZ, approving rehabilitation of the Clovis Residence building.
- LU 12-164213 LDP, the Land Division proposal to create the lots for the proposal at hand. This application is currently incomplete.

Public Notice: A Notice of Proposal was mailed on September 27, 2012.

Agency Review: The following Bureaus have responded with no issue or concerns:

- Water Bureau
- Fire Bureau
- BDS Life Safety Review

The Bureau of Environmental Services has not yet commented but at a minimum will require a stormwater management plan in compliance with the *2008 Storm Water Manual* prior to approving this proposal or the concurrent Land Division application.

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 King's Hill Historic District and the proposal is for new construction. Therefore Historic Design 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

P2. Embellish the Different Levels of Buildings. Embellish the different levels of a building that are visible from the streets or public open spaces. Enhance the pedestrian network by forming visual connections from buildings to adjacent streets. Incorporate building equipment, mechanical exhaust systems, and/or service areas in a manner that does not detract from the pedestrian environment.

Findings: The subject site slopes significantly downhill from northwest to southeast, so

that the basement level is gradually revealed along the north, east, and west sides and completely above grade across the south side of the building. The treatment along the street faces of this level is a stepped veneer of 1" thick, fired brick applied over concrete foundation walls, and including sawn true corner units. The brick will be laid up in running bond with headers at every sixth course and a cap of rowlock at the first floor plate. On the less visible west side the first floor cedar siding treatment is carried down to the ground level, as it is on the south in conjunction with the garage and basement unit doors.

The double entry facing SW Madison Street is marked by two classical pediments supported on un-fluted Doric columns. The proposed windows are paintable fiberglass one-over-one units of historic proportions, installed in a traditional manner within the wall depth.

The first floor is clad in cedar siding, 6" inches to the weather, mitered at corners, and butting to trim at openings. At the base the siding overlaps a 10" water table that in turn overlaps the brick veneer, and at the second floor level it terminates in a 12" belt board that also marks the head of the window openings. The second floor, the pediment faces, and the dormers are all clad in cedar shingles in an alternating pattern of three rows at 7" exposure and one row at 3" exposure. The tops of all shingled walls are terminated with a built-up frieze, cornice, and gutter assembly.

The above-described wall treatments use durable, high quality, and traditionally detailed materials in the pedestrian environment. *This guideline is met.*

D2. New Construction. Use siting, mass, scale, proportion, color, and material to achieve a coherent composition that adds to or builds on the characteristics of historic buildings in the immediate vicinity and the character of the King's Hill Historic District as a whole.

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.

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.

Findings for D2, D3, D5, D6, D7, and D8: The proposed structure will complete a zero lot line street wall pattern established by the historic and modern multi-dwelling structures to the west and at the head of this dead end street. It exhibits height, scale, massing, proportions, and materials similar to its neighbors, and appropriately for a prominent corner location has traditional but slightly more elaborate detailing.

While the wall treatments and entries facing into the historic district and along the streets are formal and traditional, the rear of the building is less so in terms of its garage doors and cantilevered decks. While these elements subtly differentiate the building from its neighbors, they also reinforce a historic development pattern of less formal treatment in the composition of rear elevations. While these elements are in keeping, fenestration patterns at the rear facade tend to be very regular and to use windows of a single type. In this proposal the small square windows at the second level break this pattern and attract too much attention. The composition would be improved by their removal.

Generally the view into this south edge of the King's Hill Historic District is one of the backs of historic properties with fully exposed basement levels and outdoor living on the steep slopes accommodated with verandahs, terraces, and balconies, often stacked several layers high. Notwithstanding these facts, the proposal would achieve better compatibility if the brick veneer siding wrapped around onto the south facade, striking the same datum below the window sill across the south elevation.

As noted above the proposal takes its basic massing cues from its immediate neighbors, which hug the sidewalk and step down the hill. As a consequence these properties do not have significant plantings at the street edge. The proposal responds to the challenges of the proximity to the pedestrian environment by using durable, high quality materials, and interesting detailing, as described in the findings for Guideline P2, above. With conditions of approval that: 1) the brick veneer siding wrap around onto the south facade, striking the same datum below the window sill across the south elevation; and 2) that the two small square windows on the south facade at the middle level be removed; these guidelines can be met.

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.

D11. Main Entrances. Main entrances, including doors, porches, and balconies, should be prominent features, compatible with the detailing, style, and quality of historic main entrance features of nearby buildings. Retain and preserve main entrance features that are important in defining the building's historic character. Replace, in kind, extensively deteriorated or missing parts of the main entrance when surviving prototypes exist. When in-kind replacement is not practical, replace with elements that recreate the historic character of the main entrance.

Findings for 10 and 11: The proposed roof presents a complex but well integrated composition that unifies the building. The main roof is a single hipped form that covers the entire structure. Traditionally proportioned hip-roofed wall dormers on the front and sides add interest to the overall mass and indicate an occupied attic, which is typical of the period of significance in the King's Hill Historic District. At the rear, two lower-sloped shed forms are employed to accommodate appended elements reminiscent of the historic sleeping porches and sunrooms historically found at the less formal

building backs in the district.

Discussion of the two main entrances is included here because their pediments are incorporated into the low pitched, shed-roofed front porch, and, with the columns and railings, form aedicules at the doors. The gable form of the pediments is of course an exception to the overall roof pattern, and the pediments are also more ornamented. This treatment is a traditional and established method of marking important locations on buildings. It fits well within the context of the district. *These guidelines are met.*

D4. Integrate Barrier-Free Design. Retrofit buildings or sites to improve accessibility for persons with disabilities using design solutions that preserve the architectural integrity of the historic resource. Such retrofits should utilize proportion and materials compatible with the historic building. Design exterior alterations and new construction to minimize material loss and visual change to a historic building while ensuring equal access, to the extent practicable.

Findings: The two larger units are internally accessible by virtue of elevators serving all floors, and the small basement unit is on a single level with no steps at the entrance. The westerly unit is also accessible at its front door along SW Madison. *This guideline is met.*

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: No surface parking is proposed, but there is a significant vehicle maneuvering area at the rear of the proposed building, which will be surfaced with permeable concrete pavers, and the vehicular entrance from the street is well marked and appropriate for the small amount of traffic it will serve. *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

This proposal is for a site which has in the past been the focus of an appealed decision for demolition of a historic structure and construction of a seven story building which was a source of great friction in the neighborhood. The current applicant should be recognized for willingness to take a much more compatible approach to developing this site. The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations in historic districts do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

HISTORIC LANDMARKS COMMISSION DECISION

It is the decision of the Historic Landmarks Commission to approve Historic Design Review for a new three unit, multi-dwelling structure in the King's Hill Historic district.

Approval is per Exhibits C-1 through C-26, signed, stamped, and dated October 29, 2012, subject to the following conditions of approval.

- A. As part of the building permit application submittal, the following development-related conditions (A e) 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 11-197793 HDZM. All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. No field changes allowed.
- C. The brick veneer siding wrap around onto the south facade, striking the same datum below the window sill across the south elevation.
- D. The two small square windows on the south facade at the middle level be removed.

Carrie Richter, Historic Landmarks Commission Chair

Application Filed: July 13, 2012 Decision Mailed: November 1, 2012

Bv:

Decision Rendered: October 22, 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 July 13, 2012, and was determined to be complete on **September 5, 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 July 13, 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. This report is the final decision of the Historic Landmarks Commission with input from other City and public agencies.

Conditions of Approval. This approval 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.

Appeal of this decision. This decision is final unless appealed to City Council, who will hold a public hearing. **Appeals must be filed by 4:30 pm on November 15, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor in the Development Services Center until 3 p.m. After 3 p.m. and on Monday, appeals must be submitted to the receptionist at the front desk on the fifth floor. Information and assistance in filing an appeal is available from the Bureau of Development Services in the Development Services Center or the staff planner on this case. You may review the file on this case by appointment at, 1900 SW Fourth Avenue, Suite 5000, Portland, Oregon 97201.

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 City Council is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

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 City Council on that issue. Also, if you do not raise an issue with enough specificity to give City Council an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Who can appeal: You may appeal the decision only if you have written a letter which was received before the close of the record at the hearing or if you testified at the hearing, or if you are the property owner or applicant. Appeals must be filed within 14 days of the decision. An appeal fee of \$5000.00 will be charged (one-half of the application fee for this case).

Neighborhood associations may qualify for a waiver of the appeal fee. Additional information on how to file and the deadline for filing an appeal will be included with the decision. Assistance in filing the appeal and information on fee waivers are available from the Bureau of Development Services in the Development Services Center, 1900 SW Fourth Ave., First Floor. Fee waivers for neighborhood associations require a vote of the authorized body of your association. Please see appeal form for additional information.

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 **November 16, 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.

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

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

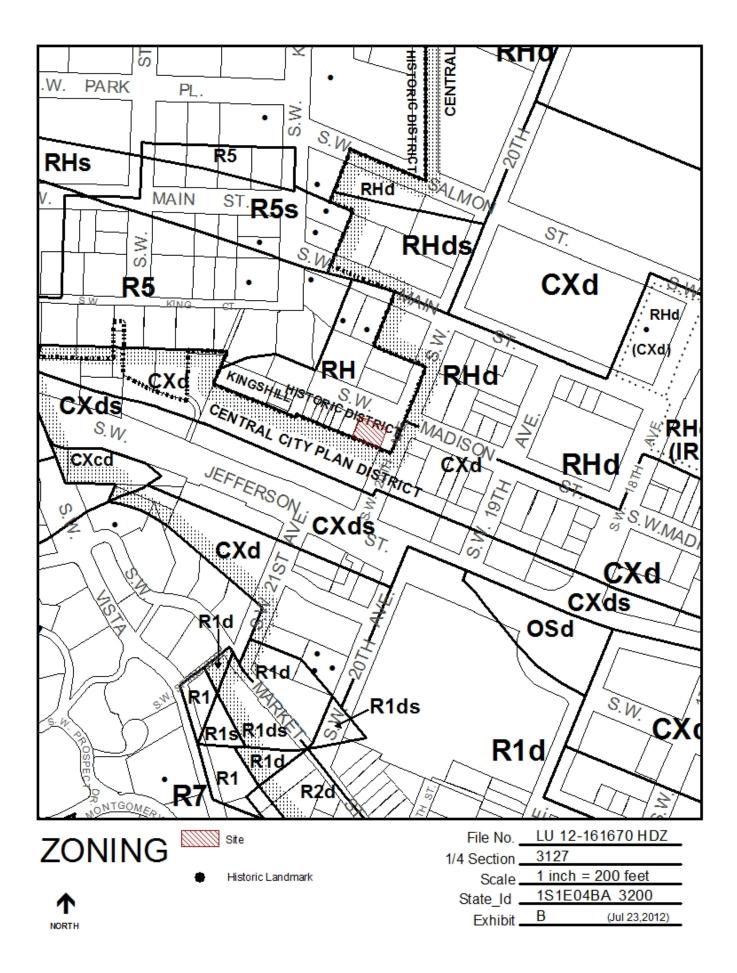
Dave Skilton Date prepared: October 30, 2012

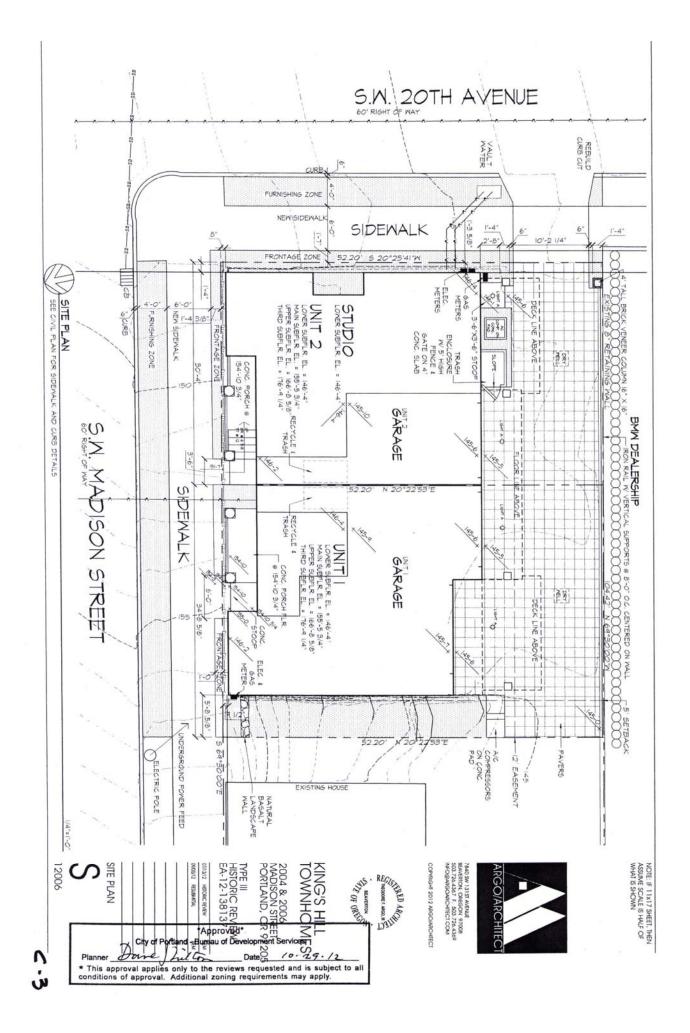
EXHIBITS – NOT ATTACHED UNLESS INDICATED

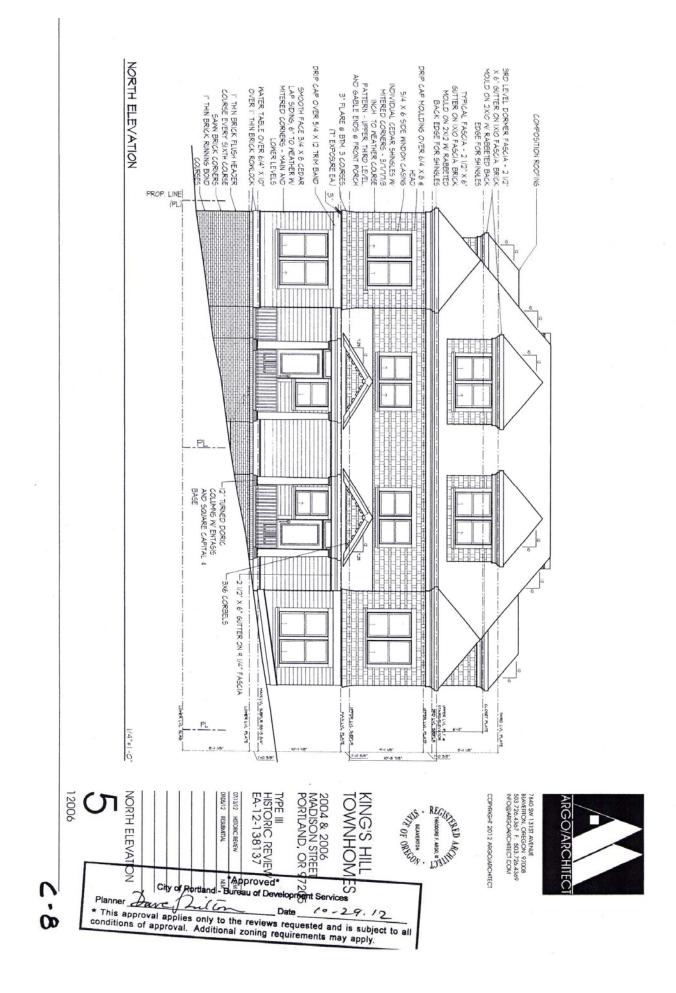
- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plan & Drawings
 - 1. Cover/Index/Perspectives
 - 2. Vicinity Plan
 - 3. Site Plan (attached)
 - 4. Lower Level Plan
 - 5. Main Level Plan
 - 6. Upper Level Plan
 - 7. Attic Level Plan
 - 8. North Elevation (attached)
 - 9. North Elevation with Detail Locations
 - 10. East Elevation (attached)
 - 11. East Elevation with Detail Locations
 - 12. South Elevation (attached)
 - 13. West Elevation (attached)
 - 14. Typical North-South Building Section at Balcony
 - 15. North-South Building Section
 - 16. Roof Plan
 - 17. Details
 - 18. Details
 - 19. Details
 - 20. Roofing Material Information
 - 21. Light Fixtures Information
 - 22. Door information
 - 23. Window Information
 - 24. Column Information
 - 25. Paver Information

- 26. Preliminary Storm Water Report
- D. Notification information:
 - 1. Request for response
 - 2. Posting letter sent to applicant
 - 3. Notice to be posted
 - 4. Applicant's statement certifying posting
 - 5. Mailed notice
 - 6. Mailing list
- E. Agency Responses:
 - 1. Bureau of Environmental Services (pending)
 - 2. Water Bureau
 - 3. Fire Bureau
 - 4. BDS Site Development
 - 5. BDS Life Safety
- F. Letters (none)
- G. Other
 - 1. Original LUR Application
 - 2. Staff Report
- H. Received At or After Hearing
 - 1. Revised Staff report
 - 2. Staff Presentation
 - 3. Photos of Applicant Mock-Ups
 - cc: Applicants and Representatives Neighborhood Associations Those who testified, orally or in writing City Auditor's Office Development Services Center BDS Staff for Bureau of Buildings BDS Staff for Commission Book

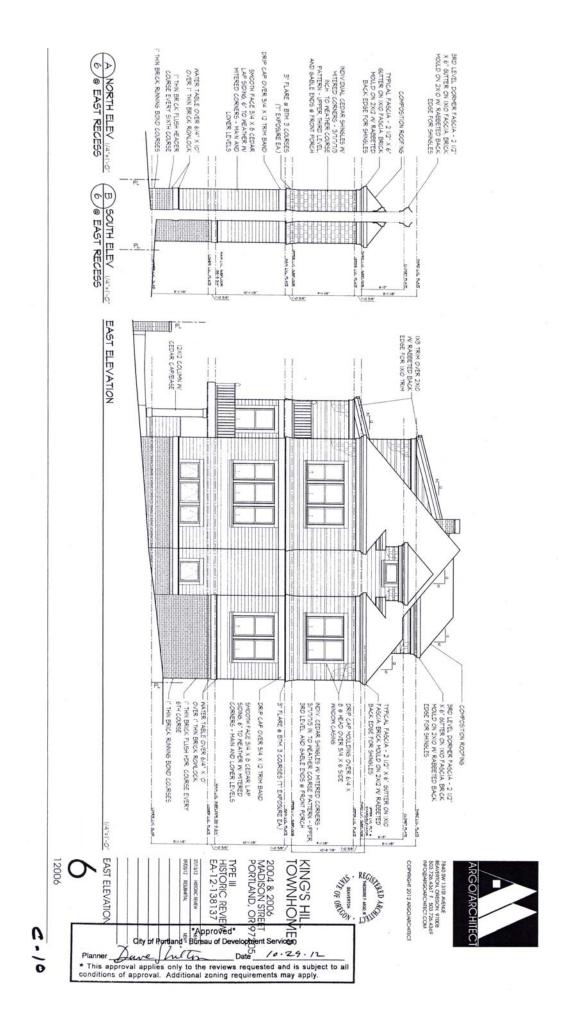
The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



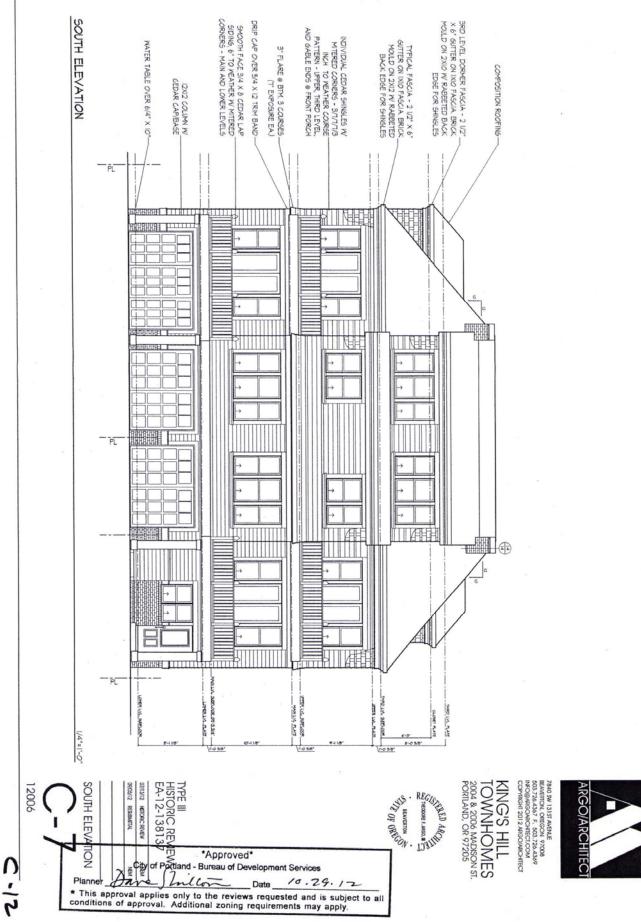




NOTE: IF 11x17 SHEET, THEN ASSUME SCALE IS HALF OF WHAT IS SHOWN



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