



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Portland, Oregon 97201
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TTY 503-823-6868
www.portlandonline.com/bds

Date: November 25, 2008
To: Interested Person
From: Kara Fioravanti, Land Use Services
503-823-5892 / kfioravanti@ci.portland.or.us

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 08-172064 HDZ NEW EXTERIOR CIRCULAR STAIR WITH BALCONY

GENERAL INFORMATION

Applicant: Robert Dortignacq (Contact) 503-228-5154
1915 NW 26th Avenue
Portland, OR 97210-2259

Roger M and Patricia M Madden (Owner)
1715 SW Montgomery Drive
Portland, OR 97201-2436

Site Address: 1715 SW MONTGOMERY DRIVE
Legal Description: TL 14500 LOT 2&3&8 BLOCK 52, CARTERS ADD TO P
Tax Account No.: R140402570
State ID No.: 1S1E04BA 14500
Quarter Section: 3127
Neighborhood: Southwest Hills Residential League, contact Nancy Seton at 503-224-3840.

District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592.
Other Designations: Listed on the National Register of Historic Places
Zoning: R7 – Medium Density Single Dwelling Zone 7,000
Case Type: HDZ - Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant is requesting Historic Design Review approval for an exterior spiral staircase and balcony on the historic Alexander and Cornelia Lewthwaite Residence. The new wrought iron staircase is proposed at the rear of the existing home (east elevation). The stairs would descend from a patio at the home's main level down approximately 11'-0" to the terrace level. The proposed staircase has non-ornamental iron railings, steel channels, tubes and pipe for supports. Additionally a balcony is proposed to reach/connect the new stairs from an existing set of French doors.

Because the residence is designated as a Historic Landmark and exterior alterations are proposed, Historic Design Review is required.

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, Historic Reviews
- Chapter 33.846.060.G Approval Criteria based on the Standards of the Secretary of the Interior

ANALYSIS

Site and Vicinity: The subject residence is designated as a Historic Landmark and located on 21,000 square feet site situated at Southwest Montgomery Drive and Vista Avenue. The building was constructed in 1926 and contains two floors and the basement. The building is known as an Alexander and Cornelia Lewthwaite House and was designed in the French Renaissance Historic Period style. The special features and materials include: gable roof, quoins, casement windows with lintel and keystone. It has also slightly projecting pedimented front entry with balconet and decorative tympanum.

Property is located in the Southwest neighborhood also known as the “West Hills”. The site is surrounded by large custom designed homes built over years in many different architectural styles.

Portland’s Transportation System Plan classifies SW Vista Avenue as a Neighborhood Collector Street, Community Transit Street, City Walkway, and City Bikeway. SW Montgomery Drive is designated a Local Service Walkway, and Local Service Bikeway. Tri-Met bus route 51 provides service on SW Vista Avenue.

Zoning: The R7 designation is one of the City’s single-dwelling zones which is intended to preserve land for housing and to promote housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing.

Land Use History: City records indicate that prior land use reviews include the following:

- **VZ 142-78** (LU 1978-031531) – Approval to increase the height of fence in the front yard.

Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed on **October 31, 2008**.

The following Bureaus have responded with no issues or concerns:

- Portland Fire & Rescue;
- Portland Water Bureau;
- Bureau of Environmental Services;
- Urban Forestry Division of Portland Parks & Recreation;
- Bureau of Transportation Engineering & Development Review;
- Site Development Section of the Bureau of Development Services;

The **Life Safety (Building Code) Section of the Bureau of Development Services** responded with the following comment.

Comment: “A Building Permit has been applied for and is currently under review or has been issued or, a Life Safety plans examiner has been in contact with the applicant. Please refer to correspondence from the Life Safety plans examiner for building code-related comments.”

Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on **October 31, 2008**. No written comments in response to the proposal have been received from the neighborhood association (Southwest Hills Residential League) or notified property owners.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846, Historic Reviews

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/Conservation Landmark. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10. In addition, because the site is located within the Central City, the relevant approval criteria are the Central City Fundamental Design Guidelines.

G. Approval criteria based on the Standards of the Secretary of the Interior:

1. Historic character.

Findings: The historic character of the property will be retained and preserved. No removal of historic materials or alterations of features will occur. The new exterior spiral staircase and balcony will be added to the east side of the existing structure. The new addition will be supported independently and will be removable. A section of door railing is to be relocated to the new walkway, aligned on the door where it is now situated. *This criterion is therefore met.*

2. Record of its time.

Findings: The historic residence will remain intact and unchanged, continuing to act as a physical record of its time, place and use. The proposed alterations will match the original building style, and the existing historic features are not altered for the addition. *This criterion is therefore met.*

3. Historic changes.

Findings: The historic home had a small number of changes since it was originally built. These additions and changes to the property that have occurred over the years will not be altered, preserving any historic significance they have acquired. *This criterion is therefore met.*

4. Historic features.

Findings: The property remains well maintained and its historic features are in good condition therefore there is no rehabilitation planned. *This criterion does not apply.*

5. Historic materials.

Findings: The addition is independently supported and is detailed so that regular maintenance can be performed on the back elevation of the house. The addition is completely reversible.

6. Archaeological resources.

Findings: There are no known significant archeological resources on the property. *This criterion does not apply.*

7. Differentiate new from old.

Findings: The proposed new additions will not destroy historic materials that characterize the existing building. The new work uses non-ornamental wrought iron for railings, steel channels, tubes and pipe for supports, and fiberglass grating for decking. The railing design is similar to the home's other garden railings built in the 1980's.

Metal work is to be painted similarly, and the grating is manufactured in soft, compatible gray. Overall the design is a straightforward statement, easily distinguishable from the more richly expressed historic house. *This criterion is therefore met.*

8. Architectural compatibility.

Findings: The new stair will be compatible with the existing architecture. It will utilize wrought iron that is found in different places on the house both on the inside and outside. The proposed circular stair will be offset to the end of the original house, and away from windows. It will also allow retention of access from the existing lower French doors. The ironwork uses similarly sized/weight components for the railing that are used on other house railings. The design is very transparent both laterally and vertically. *This criterion is therefore met.*

9. Preserve the form and integrity of historic resources.

Findings: The proposed addition could be removed without any impact to the integrity of the historic structure. It will be independently supported and thus could easily be removed with no consequences to the existing residence. *This criterion is therefore met.*

10. Hierarchy of compatibility.

Findings: The stair is designed to be compatible with the existing historic house as well as with other homes in the vicinity. Moreover it cannot be seen from adjacent properties that are a range of different styles. *This criterion is therefore 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 exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Historic Design Review for an exterior spiral staircase and balcony on the historic Alexander and Cornelia Lewthwaite Residence.

Approval per the approved plans, Exhibits C-1 through C-6, signed and dated November 24, 2008, 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-C.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-172064 HDZ. No field changes allowed."

Decision rendered by: _____ **on November 24, 2008**

By authority of the Director of the Bureau of Development Services

Decision mailed: November 25, 2008

Staff Planner: Kara Fioravanti

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 October 21, 2008, and was determined to be complete on October 31, 2008. *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 October 21, 2008.

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 Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on December 9, 2008** at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 contact the receptionist at 503-823-7967 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 **December 10, 2008 – (the day following the last day to appeal)**.
- 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.

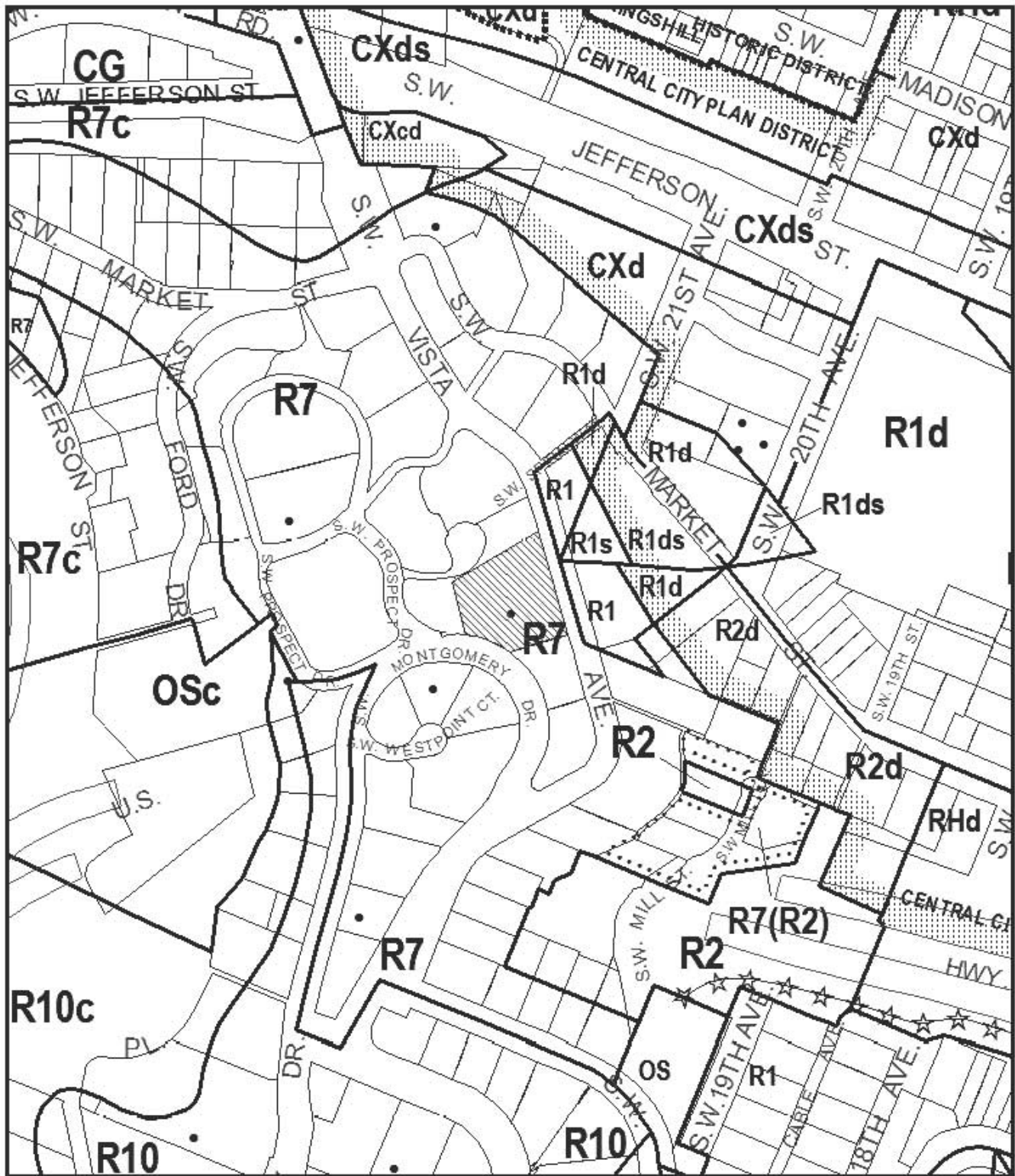
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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. East Elevation (attached)
 - 2. Site Plan and Lower Level Plan (attached)
 - 3. Sections and Main Level Plan (attached)
 - 4. Stair Tread Detail and E and N Elevations (attached)
 - 5. Details (attached)
 - 6. Grating (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: included in this report
- F. Correspondence: none received
- G. Other:
 - 1. Original LU Application
 - 2. HRI Summary
 - 3. Photos of existing conditions
 - 4. Site History Research

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-0625 (TTY 503-823-6868).

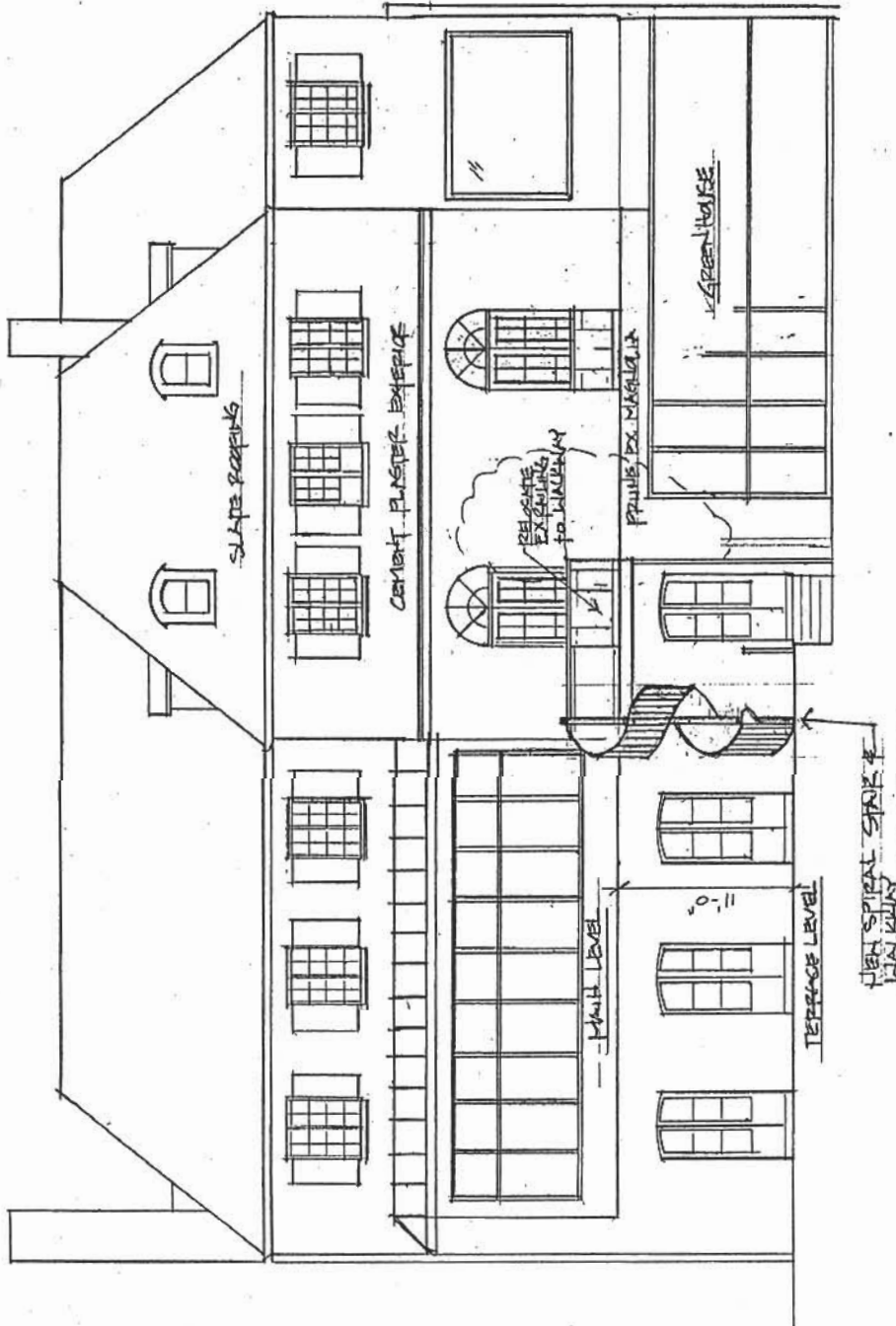


ZONING

 Site



File No.	LU 08-172064 HDZ
1/4 Section	3127
Scale	1 inch = 200 feet
State_Id	1S1E04BA 14500
Exhibit	B (Oct 23, 2008)



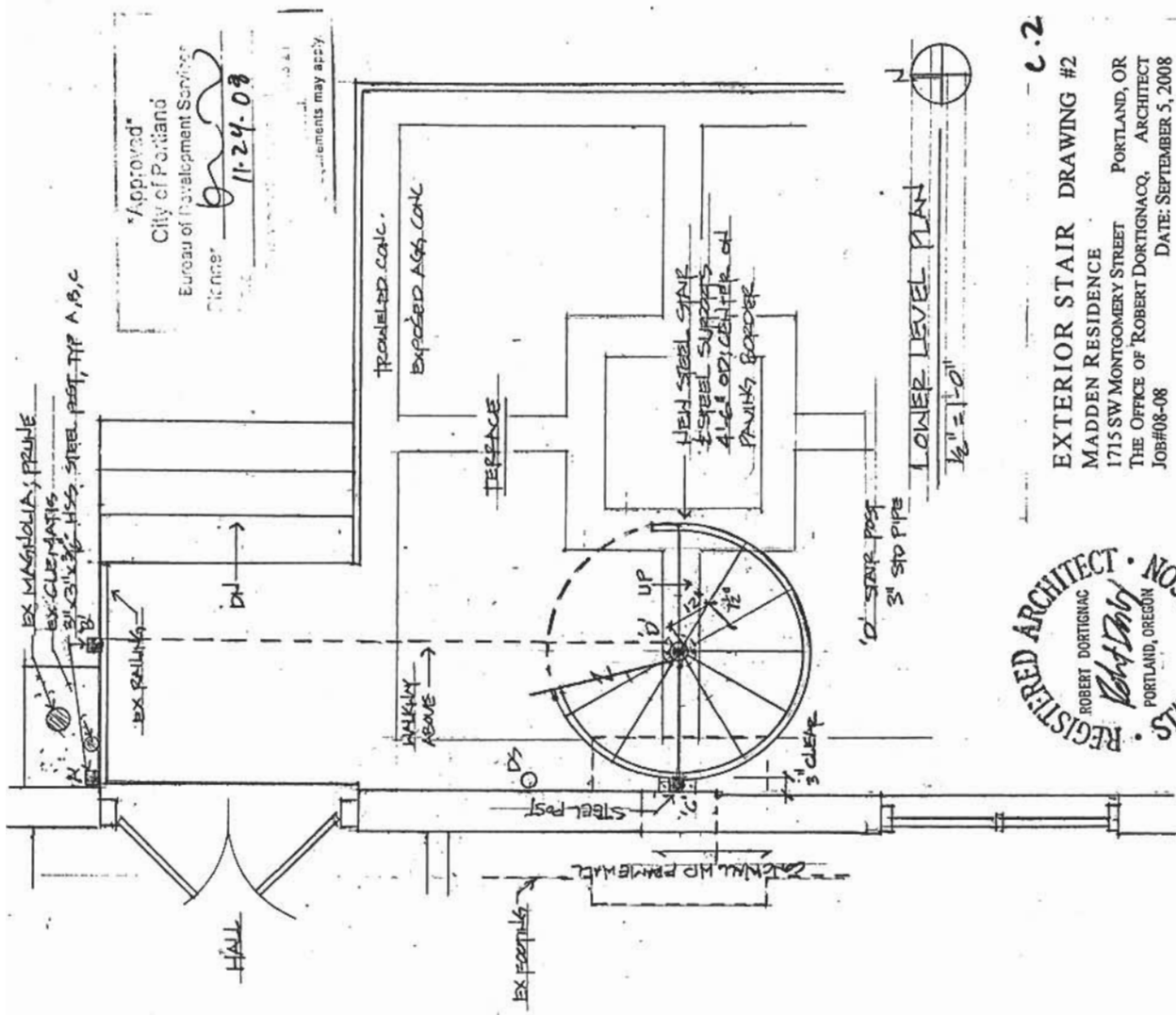
Approved
City of Portland
Bureau of Development
Planner
Date 11-24-08
This approval is given on the condition that the applicant comply with all applicable rules and regulations.



EAST ELEVATION
1/8" = 1'-0"

C-1
EXTERIOR STAIR DRAWING #1
MADDEN RESIDENCE
1715 SW MONTGOMERY STREET PORTLAND, OR
THE OFFICE OF ROBERT DORTIGNAC, ARCHITECT
JOB#08-08 DATE: SEPTEMBER 5, 2008

LU 08-172064 HDZ



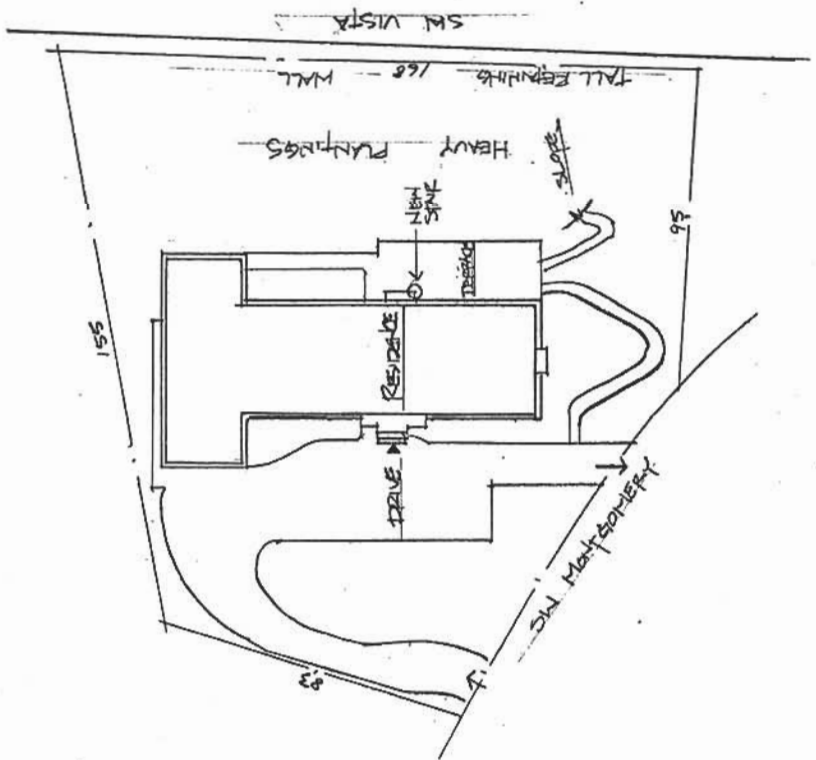
Approved
City of Portland
Bureau of Development Services
Date: 11-24-08
Comments may apply

LOWER LEVEL PLAN
1/2" = 1'-0"



EXTERIOR STAIR DRAWING #2
MADDEN RESIDENCE
1715 SW MONTGOMERY STREET PORTLAND, OR
THE OFFICE OF ROBERT DORTIGNAC, ARCHITECT
JOB#08-08 DATE: SEPTEMBER 5, 2008

LU 08-172064 HDZ



SITE PLAN
1/32" = 1'-0"



LW08-172064 HDZ

1000-44
City of Portland
Bureau of Development Services
Director
Date 11-24-08
* This approval applies only to the
newly identified and is subject to all
conditions of approval.
Additional zoning requirements may apply.

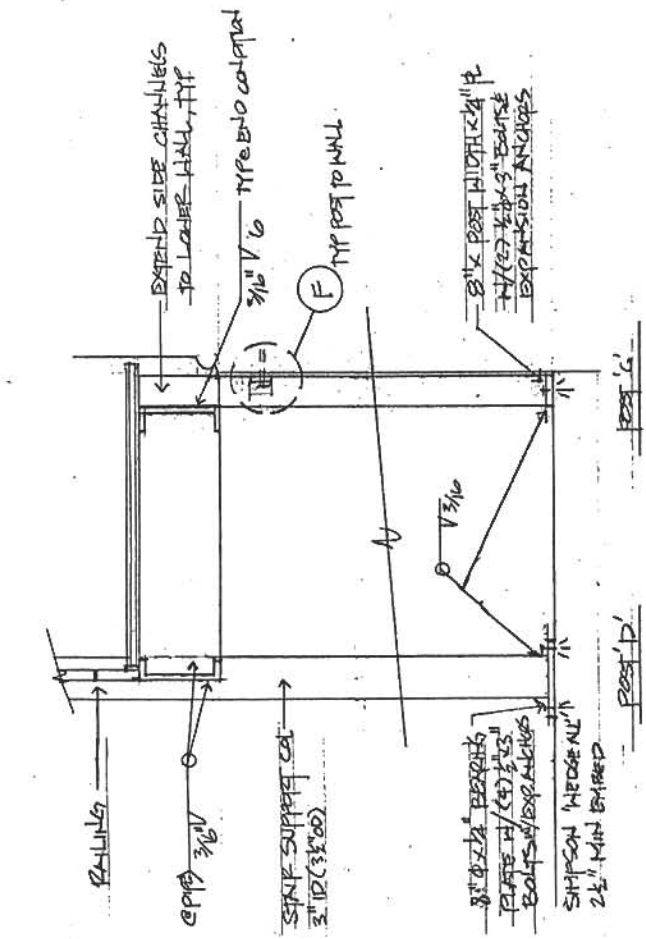
$\Sigma'' = 170''$

MAIN LEVEL PLAN

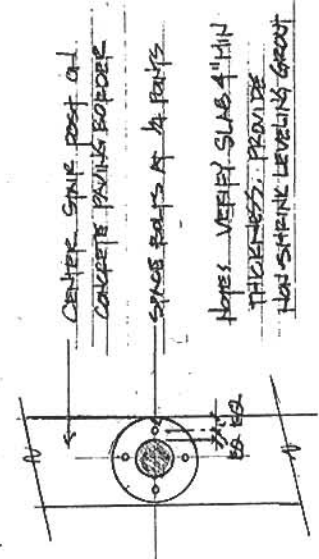
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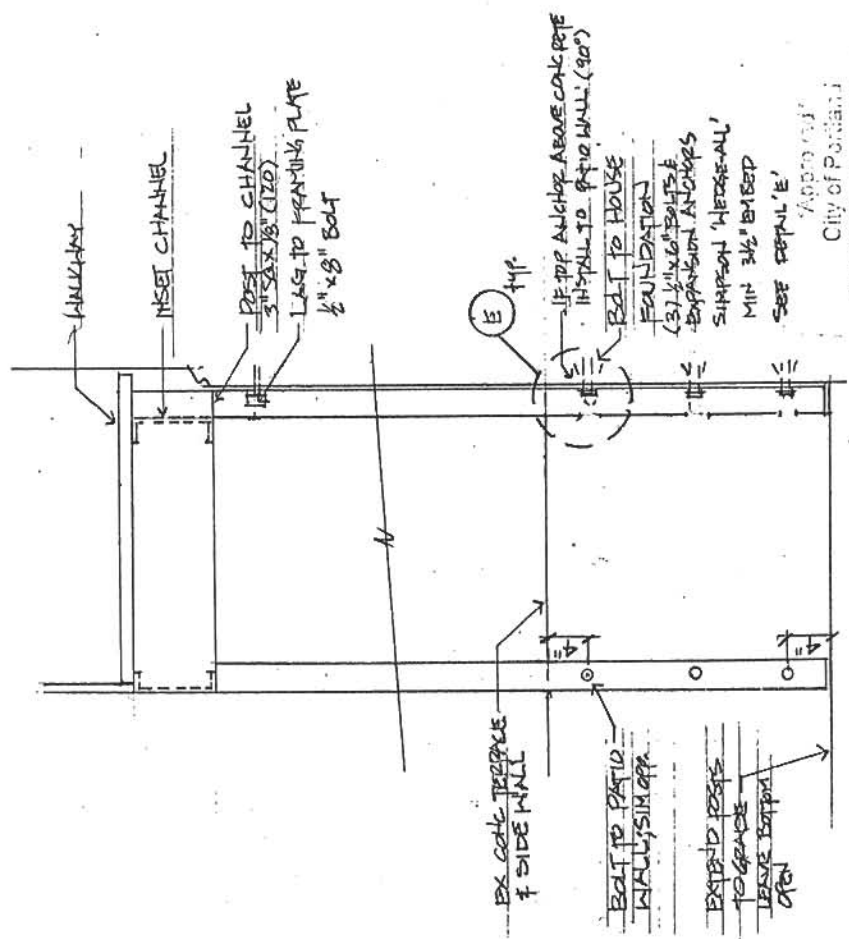
C.3



POST DETAILS - LOOKING SOUTH



POST 'D' - PLAT OF PAGE



POST 'A'

POST 'B'

City of Portland
Bureau of Development Services
Planner
Date 11-24-08

This approval applies only to the conditions of approval. Any other zoning requirements may apply.



EXTERIOR STAIR DRAWING #5
MADDERN RESIDENCE
1715 SW MONTGOMERY STREET PORTLAND, OR
THE OFFICE OF ROBERT DORTIGNAC, ARCHITECT
JOB#08-08 DATE: SEPTEMBER 5, 2008

LU 08-172064 HDZ

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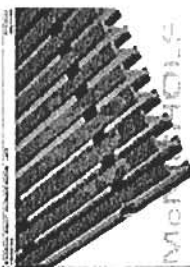
McNICHOLS Quality Pultruded Grating Product Photos

Print Directions: Click on the printer icon and print in landscape mode.

Request a Quote: Click on the Stock List link under the item you would like and select the item from the stock list for further information.

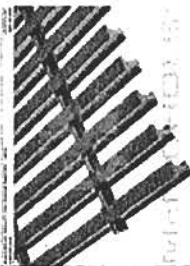
Page 1

MS I-4015 Fiberglass I-Bar Fiberglass



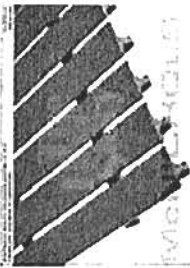
Request a Quote

MS I-6010 Fiberglass I-Bar Fiberglass



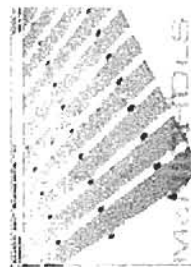
Request a Quote

MS T-1210 Fiberglass Wide T-Bar Fiberglass

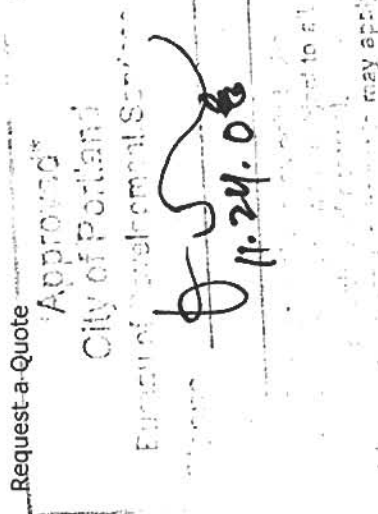


Request a Quote

MS T-1810 Fiberglass Wide T-Bar Fiberglass



Request a Quote



C-6

LU08-172064 HDZ