

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

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FROM CONCEPT TO CONSTRUCTION

Date: March 16, 2016

To: Interested Person

From: Mike Gushard, Land Use Services 503-823-5091/ Mike.Gushard@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 mailed copy of this document is only a summary of the decision.

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 16-109343 HR – REAR FAÇADE ALTERATIONS AT HISTORIC BLAINE SMITH HOUSE

GENERAL INFORMATION

Applicant:	Rebecca S Haas - Owners Dean E. Aldrich, 5219 SE Belmont St Portland, OR 97215 Gregory Swift, - Architects Justin Smith Emerick Architects P.C. 321 SW 4th Ave Suite 200 Portland, OR 97204
Site Address:	5219 SE BELMONT STREET
Legal Description: Tax Account No.: State ID No.: Quarter Section: Neighborhood: Business District:	BLOCK 4 S 30' OF LOT 2 LOT 3-6 S 30' OF LOT 7, MT TABOR R588000470 1S2E06AB 11200 3136 Mt. Tabor, contact Stephanie Stewart at 503-230-9364. Belmont Business Association, contact Constance Ihrke at 503-267- 3721.
District Coalition: Plan District: Other Designations: Zoning: Case Type: Procedure:	Southeast Uplift, contact Anne Dufay at 503-232-0010. None Historic Landmark – House constructed in 1909 and listed on the National Register in 1991 for its significant Arts and Crafts style architecture. R2 - low-density multi-dwelling zone HR – Historic Resource Review Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The proposal includes alterations to the rear façade of the National Register of Historic Places listed property the Blaine Smith house. The work will include the removal of a non-historic balustrade, concrete terrace and window and the construction of a new small brick and concrete terrace and trellis and a new window made to match historic windows on the property. The project materials also describe the relocation of a light fixture.

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 Historic Resource Review
- 33.846.060.G Other Approval Criteria

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. This application was submitted on January 22, 2016 and determined to be complete on 2/5/2016.

ANALYSIS

Site and Vicinity: The historic Blaine Smith house was designed in 1909 by the firm of McNaughton, Raymond, and Lawrence. It was listed on the National Register of Historic Places in 1991 as an "outstanding and well-persevered work" by the well-known architect Ellis Lawrence. It is also a significant example of Arts and Crafts style architecture in Oregon. The house sits in the Mt Tabor area of Portland on an ample corner lot surrounded by low walls and hedges. The neighborhood around consists mostly of large homes. Another National Register-listed property, the Historic William Brainard house, sits around the corner from the site on Morrison Street.

Zoning: The <u>Residential 2,000</u> (R2) zone is a low-density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R2 zone must be at least 4,000 square feet in area for multi-dwelling development, 1,600 square feet for development with attached or detached houses, and 2,000 square feet for development with duplexes. Minimum lot width and depth standards may apply.

The <u>Historic Resource Protection</u> overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and 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 that prior land use reviews include the following:

LUR 97-00381: An approval of a bed and breakfast facility with certain conditions.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **February 10, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering
- Fire Bureau
- Site Development Section of BDS

The Bureau of Environmental Services responded with the following comment:

"It appears that this project creates or redevelops less than 500 square feet of impervious area, therefore pollution reduction and flow control requirements of the Stormwater Management Manual (SWMM) are not triggered. However, a stormwater disposal location that does not impact adjacent properties and/or structures must be shown at the time of building permit submittal. BES does not object to the requested historic resource review."

The Water Bureau responded with the following comment:

"The Water Bureau has no concerns with the requested Historic Resource Review for proposed exterior alterations to the existing house as depicted in this LUR, for 5219 SE Belmont St."

Please see Exhibit E-001 for additional details.

The Bureau of Development Services Life Safety Section responded with the following comment:

"A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. More information regarding building code requirements can be obtained by visiting the Bureau of Development Services Development Services Center - 1900 SW 4th Ave, 1st floor. The Development Services Center is open Monday through Friday from 8:00 a.m. to 3:00 p.m. (close at noon on Thursday). No appointment is necessary. Building Code information is also available online at: http://www.portlandonline.com/bds/, or by calling (503) 823-1456.

It is recommended the applicant visit the Development Services Center for more information at 1900 SW 4th Ave, 1st floor. The Development Services Center is open Monday through Friday from 8:00 a.m. to 3:00 p.m. (close at noon on Thursday). No appointment is necessary."

Please see Exhibit E-002 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 10, 2016. 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 Resource Review

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

Requests for Historic Resource 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 Resource 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 first-floor rear façade of the house has little historic integrity. The work on this section of the property will not impact any of the character-defining features of the house that made it eligible for the National Register of Historic Places. Therefore, criterion 1 is met by the proposed project.

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.

Findings: No alterations are proposed to the character-defining features of the property. When the project is complete, all of the major areas of integrity will remain intact. The project will make use of elements from a contemporary porch structure which is distinct from the rest of the building and does not contribute to the house's landmark status. The work leaves the historic house as a record of its time and the subsequent alterations as records of the era in which they were created. Therefore, criterion 2 is met by the proposed project.

3. Historic changes. Most properties change over time. Those changes that have acquired historic significance will be preserved.

Findings: None of the property's features that were constructed after its period of significance have the exceptional importance required to make them eligible for the National Register or local landmark status. Therefore, this criterion is not applicable to the project.

4. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

Findings: No historic features of the property will be altered by the proposed work, Therefore, criterion 4 is not applicable to the project.

5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings: The applicants have not proposed any changes to historic material, therefore, criterion 5 is met by the project.

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

Findings: No significant digging or grading is proposed making the discovery of archaeological resources unlikely. Therefore, criterion 6 is not applicable to the project.

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: While the applicant proposes to use high-quality materials, like those from the house's period of significance, the major architecture gestures of the proposed alterations mirror an obviously contemporary sunroom addition. The work adequately differentiates the additions proposed from the design features that make the house historically significant. Therefore, criterion 7 is met by the proposed project.

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: While it is true that the proposed alterations are distinct from the historic character defining features of the house, they are not at a scale or level of differentiation that would make them adversely impact the historic house. Therefore, criterion 8 is met by the project.

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: All contemporary additions to the house emanate from its main volume and could be identified and removed during a future restoration project. Therefore, the project meets criterion 9.

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

Findings: While it is true that the proposed alterations are distinct from the historic character defining features of the house, they are not at a scale or level of differentiation that would make them adversely impact the historic house. Therefore, criterion 10 is met by the project.

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 proposed alterations to the historic Blaine Smith house are limited to the rear façade which has already lost a significant amount of integrity. The proposed changes do not compete with nor do they replicate the significant and character defining features of the house. For this reason the project meets the approval criteria described in 33.846.060G and the project is approved.

ADMINISTRATIVE DECISION

Approval of alterations to the rear elevation of the historic Blaine Smith House including the

- removal of a non-historic balustrade;
- removal of concrete terrace and windows;
- construction of a new small brick and concrete terrace and trellis;
- a new window made to match historic windows on the property and;
- relocation of a non-historic lighting element.
- 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.8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-109343 HR. **No field changes allowed.**

Staff Planner: Mik	e Gushard		
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Decision rendered			on (March 3.)
	By authority of the D	Director of the Bureau of	Development Services

Decision mailed: March 16, 2015

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 January 22, 2016, and was determined to be complete on **February 5, 2016**.

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 January 22, 2016.

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 extended by the applicant, **the 120 days will expire on: June, 8 2016.**

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 March 30, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 March 31, 2016
- 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. 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:

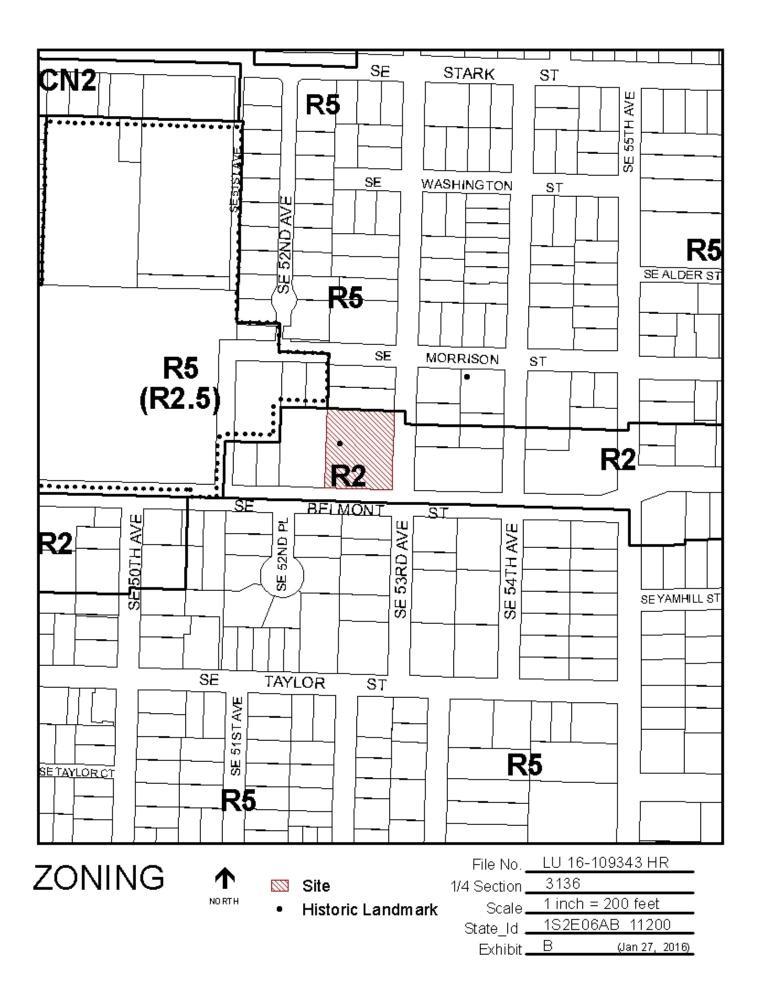
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

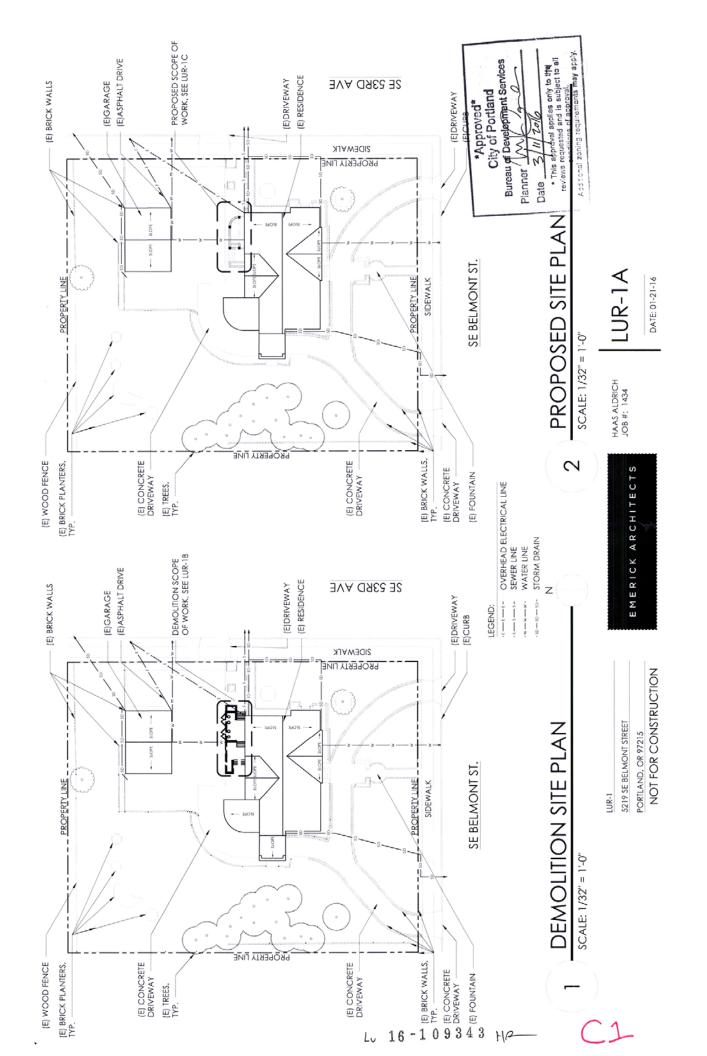
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Historic Review Narrative (attached)
 - 2. Historic Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Demolition Floor Plan
 - 3. Proposed Floor Plans
 - 4. Proposed North Elevation
 - 5. East Elevation Proposed/Existing
 - 6. Window Elevation Detail and Proposed Window Details
 - 7. Demolition North Elevation
 - 8. Existing Conditions
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Life Safety
- F. Correspondence:.
 - 1. Peter Geiger, February 29, 2016, No adverse comments on proposal
- 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).







HISTORIC REVIEW NARRATIVE | JANUARY 21, 2016 5219 SE BELMONT ST., PORTLAND, OR 97215

OVERVIEW

REASON FOR DESIGN REVIEW:

EXTERIOR ALTERATIONS TO NORTH FAÇADE (REAR FACING) OF HOUSE. PROPOSED ALTERATIONS INCLUDE; REPLACEMENT OF A SET OF WINDOWS AT KITCHEN, REBUILDING THE DETERIORATING AND PREVIOUSLY REBUILT BACK TERRACE, COVERING THIS NEW TERRACE WITH A TRELLIS, AND ADDING A NEW LIGHT OVER AN EXISTING BACK DOOR.

PROPERTY INFO:

5219 SE BELMONT ST. PORTLAND, OR 97215

OWNERS:

REBECCA HAAS + DEAN ALDRICH

APPLICANT:

EMERICK ARCHITECTS 321 SW 4TH AVE. PORTLAND, OR 97215

CONTACT:

NAME: JUSTIN SMITH EMAIL: JUSTIN@EMERICK-ARCHITECTS.COM

NAME: MELODY EMERICK EMAIL: MELODY@EMERICK-ARCHITECTS.COM

HISTORIC REVIEW GUIDELINES:

PORTLAND ZONING CODE: TITLE 33 CHAPTER 33.846.060.G

NARRATIVE

GUIDELINES:

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.

- The proposed alterations to the building for review are limited to the rear (north) façade of the house. This façade has seen many changes from its original construction; notably, a new enclosed back porch, a new terrace off the kitchen, and an alteration to the original location of the windows and doors off the kitchen. The back terrace to be removed is not original to the building and is in poor condition. Furthermore it does not strongly support the historic character of the house. The proposed changes to the back terrace will strengthen the connection to the brick detailing on the front of the house and the enclosed rear porch, and will significantly reinforce the historical character of the property. The proposed trellis over this new terrace will match details from the existing (historic) rafter tails and post and

<u>321 SOUTHWEST FOURTH AVENUE #200 PORTLAND OREGON 97204 503 235 9400</u> emerick-architects.com

EMERICK ARCHITECTS

beam details, enhancing the historic character of the back of the house. In addition, three small windows that are not original to the building are proposed for replacement with two double-hung windows to match the size and detailing of existing double-hung windows throughout the house. These existing double-hung windows hold great historic character for the property due to their detailing and scale. Updating the small windows at the back of the house to match these existing units will additionally strengthen the historic character of the rear façade.

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.

- Proposed alterations will harmoniously support the existing architectural features that create a historical record of the building's time. No conjectural features are to be added.

3. HISTORIC CHANGES: Most properties change over time. Those changes that have acquired historic significance will be preserved.

 The changes proposed to the original historic building to be altered do not hold significant historical value, and the proposed alterations will be in greater harmony with the original historic character of the house.

4. HISTORIC FEATURES: Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, here practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

- Original historic features are not being altered.

5. HISTORIC MATERIALS: Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

- All historic materials of the property will be fully protected as part of this project.

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.

- The proposed exterior alterations will not destroy any original historic material, and any new material will be chosen specifically to match the existing historic materials.

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.

- The proposed alterations will be architecturally compatible in massing, size, scale to the existing historic architectural features.

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.

 The integrity of the primary structure and resource will be preserved and enhanced with the proposed alterations. If the proposed new terrace and trellis and added light were to be removed in the future the form and integrity of the building would remain intact.

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

- The design for the alterations draws exclusively from the existing historic property, with no surrounding historic resources to draw from.

SUMMARY:

The proposed alterations to the property are designed to blend into the original character of the house and make historic upgrades to components that are in disrepair, or not of historic value to the house. Through the use of matching materials and details, as well as matching the size and scale of existing architectural features, the property will continue to be an indelible historic house with a strong connection to its original time and conception.

• INDEX OF SUBMITTED MATERIALS

NARRATIVE: PG 1-3 PLANS: LUR 1A-1C ELEVATIONS: LUR 1D-1F DETAILS: LUR 1G IMAGES: LUR 1H-1