



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

FROM CONCEPT TO CONSTRUCTION

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**\*\*REVISED\*\***

**STAFF REPORT AND RECOMMENDATION TO THE  
HISTORIC LANDMARKS COMMISSION**

CASE FILE: LU 12-161670 HDZ  
PC # 12-138137  
King's Hill Townhomes  
REVIEW BY: Historic Landmarks Commission  
WHEN: October 22, 2012, 1:30 p.m.  
WHERE: 1900 SW Fourth Ave., Room 2500A  
Portland, OR 97201

It is important to submit all evidence to the Historic Landmarks Commission. City Council will not accept additional evidence if there is an appeal of this proposal.

**BDS Land Use:** Dave Skilton 503-823-0660  
dave.skilton@portlandoregon.gov

**GENERAL INFORMATION**

**Applicant:** Malibar Group LLC  
1405 Tolman Creek Road  
Ashland, OR 97520-3670

Ted Argo  
Argo Architect  
7840 SW 131st Avenue  
Beaverton, OR 97008

Roy Marvin  
Malibar Group LLC  
1405 Tolman Creek Rd  
Ashland, OR 97520

**Representative:** Emery Smith 503-545-3078  
Encore Homes LLC  
7989 SE Towhee Court  
Milwaukie, OR 97267

**Site Address:** 2004-2010 SW Madison Street

**Legal Description:** E 69.35' OF N 1/2 OF NE 1/4 OF BLOCK 9, AMOS N KINGS  
**Tax Account No.:** R024401550, R024401550  
**State ID No.:** 1S1E04BA 03200, 1S1E04BA 03200  
**Quarter Section:** 3127  
**Neighborhood:** Goose Hollow, contact Jerry Powell at 503-222-7173.

**Business District:** Goose Hollow Business Association, contact Angela Crawford at 503-223-6376.

**District Coalition:** Neighbors West/Northwest, contact Mark Sieber at 503-823-4212.

**Other Designations:** Vacant property in the King's Hill Historic District, which was listed in the National Register of Historic Places on February 19, 1991.

**Zoning:** RH, Residential High Density with Historic Resource Protection Overlay

**Case Type:** HDZ, Historic Design Review.

**Procedure:** 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. 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.

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 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 detailed in the findings for Guideline P2, above. *These guidelines are 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.

## TENTATIVE STAFF RECOMMENDATION

(May be revised upon receipt of new information at any time to the Historic Landmarks Commission decision)

Staff recommends approval of a new three unit multi-dwelling structure in the King's Hill Historic district.

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-26. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-161670 HDZ. No field changes allowed."

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**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. 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 recommendation of the Bureau of Development Services with input from other City and public agencies.

**This report is not a decision. The review body for this proposal is the Historic Landmarks Commission who will make the decision on this case.** This report is a recommendation to the Historic Landmarks Commission by the Bureau of Development Services. The review body may adopt, modify, or reject this recommendation. The Historic Landmarks Commission will make a decision about this proposal at the hearing or will grant a continuance. Your comments to the Historic Landmarks Commission can be mailed, c/o the Historic Landmarks Commission, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201 or faxed to 503-823-5630.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. You may review the file on this case by appointment at the Development Services Building, 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

**Appeal of the decision.** The decision of the Historic Landmarks Commission may be appealed to City Council, who will hold a public hearing. If you or anyone else appeals the decision of the review body, only evidence previously presented to the review body will be considered by the City Council.

**Who can appeal:** You may appeal the decision only if you write a letter which is received before the close of the record for the hearing, if you testify at the hearing, or if you are the property owner/applicant. **Appeals must be filed within 14 days of the decision. An appeal fee of \$5,000.00 will be charged.**

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. Neighborhood associations recognized by the Office of Neighborhood Involvement may qualify for a waiver of the appeal fee provided that the association has standing to appeal. The appeal must contain the signature of the Chair person or other person authorized by the association, confirming the vote to appeal was done in accordance with the organization's bylaws.

Neighborhood associations, who wish to qualify for a fee waiver, must complete the Type III Appeal Fee Waiver Request for Organizations Form and submit it prior to the appeal deadline. The Type III Appeal Fee Waiver Request for Organizations Form contains instructions on how to apply for a fee waiver, including the required vote to appeal.

**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.

- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208.



The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.

- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**Applying for your permits.** A building permit, occupancy permit, or development permit 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.

**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).**

Dave Skilton  
October 22, 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 Life Safety
- F. Letters (none to date)
- G. Other
  1. Original LUR Application
  2. Site History Research

NOTE: IF 1/4" X 1/4" SHEET, THEN  
ASSUME SCALE IS HALF OF  
WHAT IS SHOWN



7840 SW 131ST AVENUE  
SUITE 200  
PORTLAND, OREGON 97224  
503.726.4347 F. 503.726.4349  
INFO@ARGOARCHITECT.COM

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KING'S HILL  
TOWNHOMES

2004 & 2006  
MADISON STREET  
PORTLAND, OR 97205

TYPE III  
HISTORIC REVIEW  
EA-12-138137

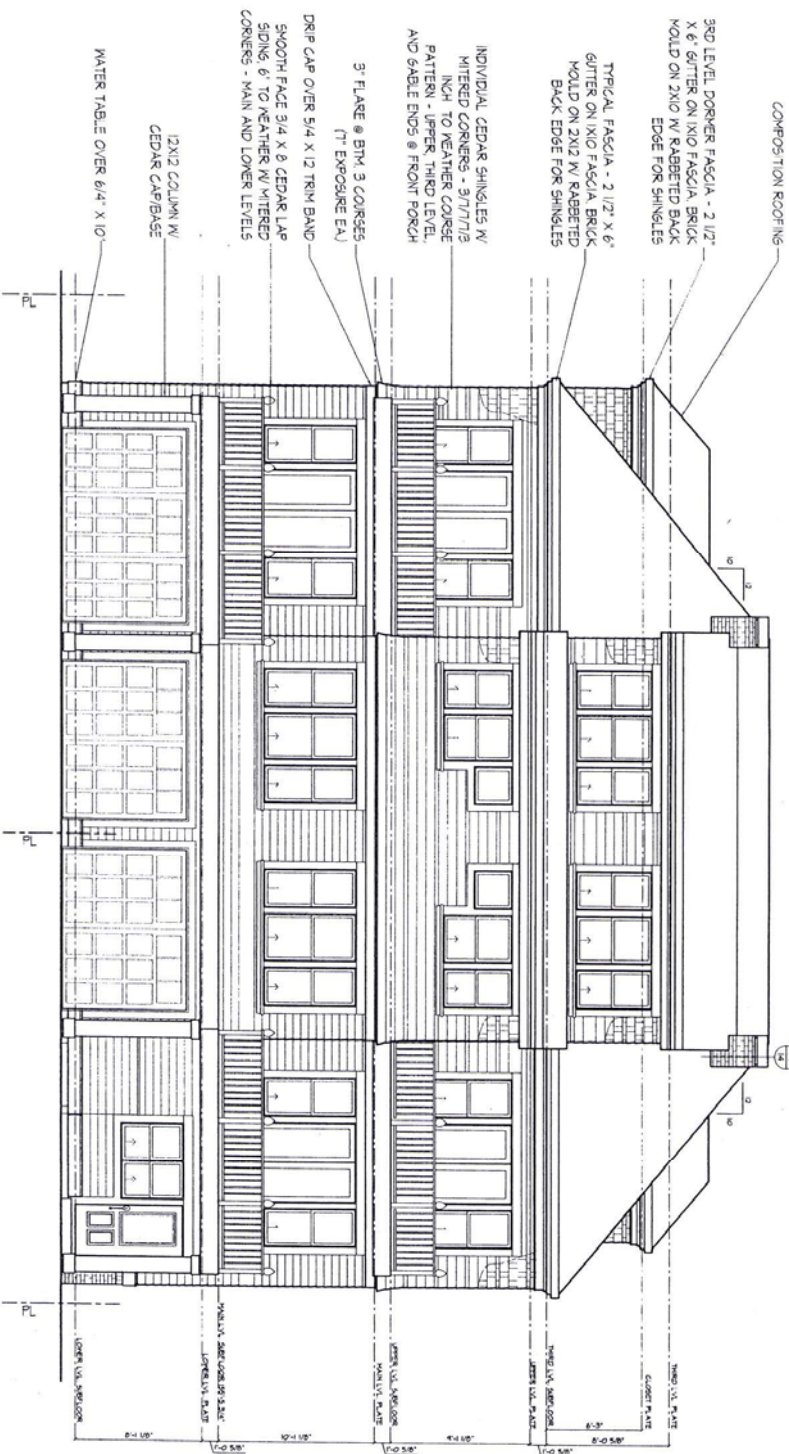
07/13/12 HISTORIC REVIEW NEW  
09/26/12 RESUBMITAL NEW

SOUTH ELEVATION

7

12006

SOUTH ELEVATION



NOTE: IF 1/1X17 SHEET, THEN  
ASSUME SCALE IS HALF OF  
WHAT IS SHOWN



7640 SW 131ST AVENUE  
BEASTON, OREGON 97108  
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# KING'S HILL TOWNHOMES

2004 & 2006  
MADISON STREET  
PORTLAND, OR 97205

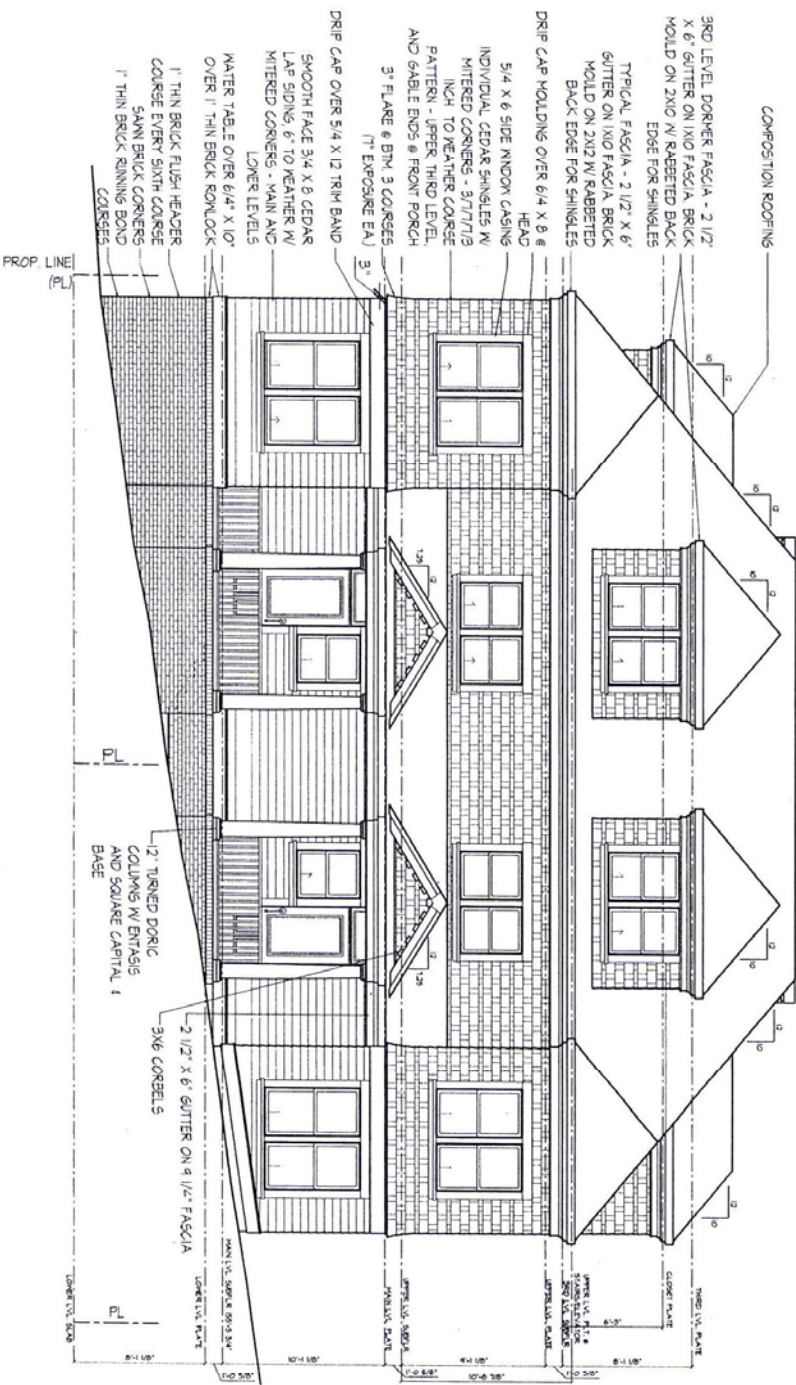
TYPE III  
HISTORIC REVIEW  
EA-12-138137

07/11/12 HISTORIC REVIEW	NEA
09/26/12 REVISION	NEA

NORTH ELEVATION

5

12006



NORTH ELEVATION

1/4" = 1'-0"



NOTE: IF 11X17 SHEET, THEN  
ASSUME SCALE IS HALF OF  
WHAT IS SHOWN



7340 NW 131ST AVENUE  
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# KINGS HILL TOWNHOMES

2004 & 2006  
MADISON STREET  
PORTLAND, OR 97205

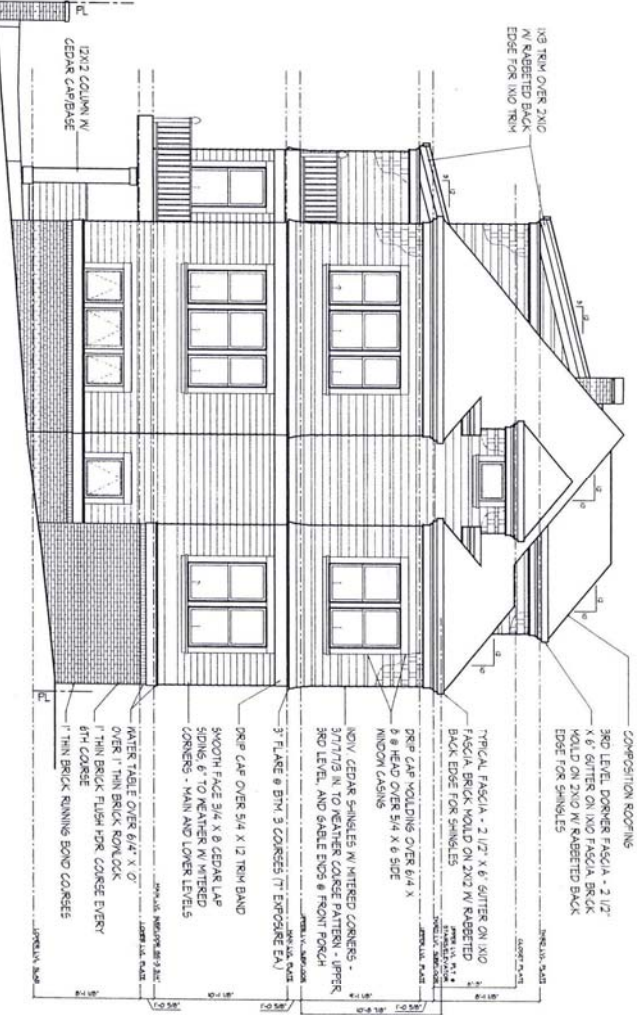
TYPE III  
HISTORIC REVIEW  
EA-12-138137

07/11/12	HISTORIC REVIEW	SEA
06/02/12	REMARKS	NEW

## EAST ELEVATION

6

12006



## EAST ELEVATION

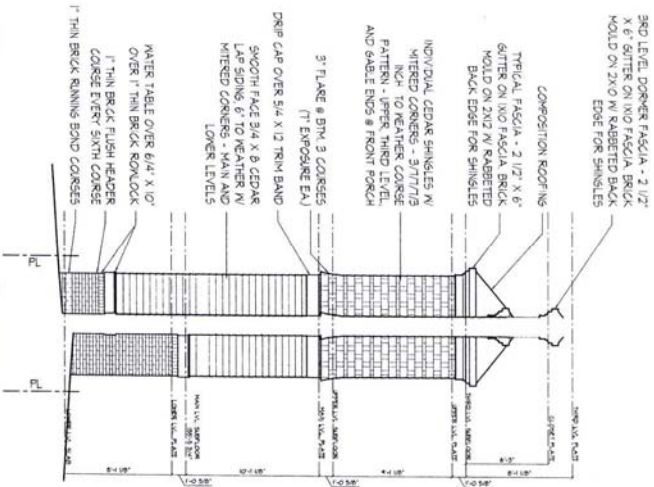
1/4" = 1'-0"

A NORTH ELEV 1/4" = 1'-0"

B SOUTH ELEV 1/4" = 1'-0"

6 EAST RECESS

6 EAST RECESS







## ZONING



Site



Historic Landmark



NORTH

File No. LU 12-161670 HDZ

1/4 Section 3127

Scale: 1 inch = 200 feet

State Id 1S1E04BA 3200

Exhibit B (Jul 23, 2012)

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



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# KING'S HILL TOWNHOMES

2004 & 2006  
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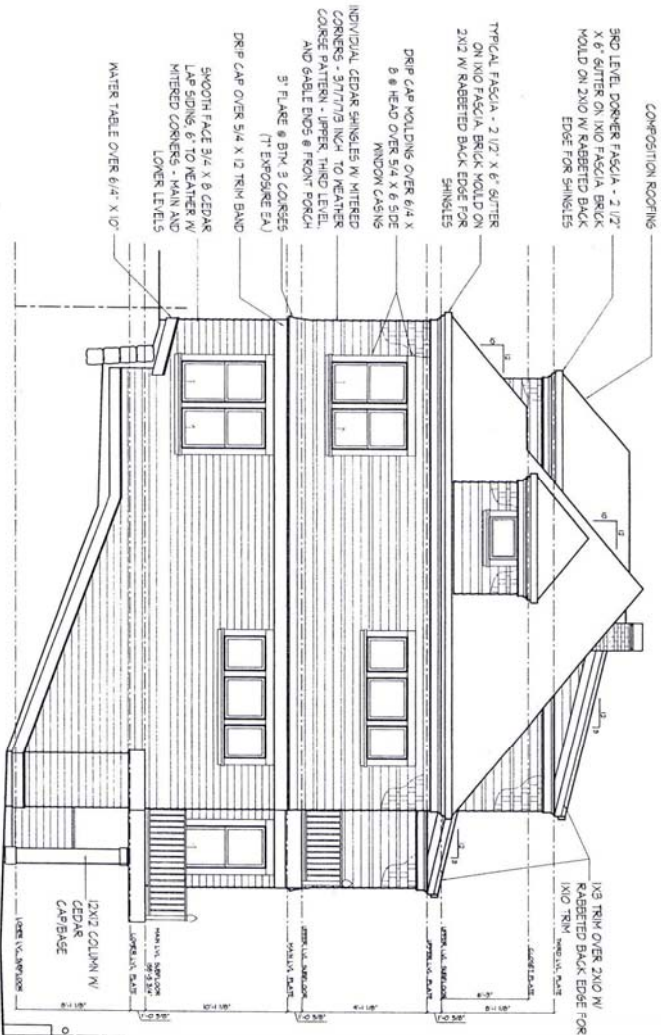
TYPE III  
HISTORIC REVIEW  
EA-12-138137

07/13/12	HISTORIC REVIEW	MM
06/01/12	REVISION	MM

## WEST ELEVATION

8

12006



## WEST ELEVATION

C WEST ELEV 1/4" = 1'-0"  
3 @ PORCH

D EAST ELEV 1/4" = 1'-0"  
3 @ PORCH