



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

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7300
Fax 503-823-5630
TTY 503-823-6868
www.portlandonline.com/bds

Date: November 28, 2008
To: Interested Person
From: Dave Skilton, Land Use Services
503-823-0660 / dave.skilton@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 08-170250 HDZ – BASEMENT WINDOW REPLACEMENTS

GENERAL INFORMATION

Applicant: Kirk and Katie James, Owners
1917 SE Ladd Avenue
Portland, OR 97214

Representative: Eric Landen, Contractor (503-348-5657)
Neil Kelly Co.
804 N Alberta Street
Portland OR 97217

Site Address: 1917 SE Ladd Avenue

Legal Description: SLY 5' OF LOT 19 BLOCK 9 NLY 30' OF LOT 22 BLOCK 9, LADDS ADD

Tax Account No.: R463302110

State ID No.: 1S1E02DB 17800

Quarter Section: 3232

Neighborhood: Hosford-Abernethy, contact Kina Voelz at 971-207-9243.

Business District: Division-Clinton Business Association, contact Katherine Cosgrove at 503-234-8585.

District Coalition: Southeast Uplift, contact Cece Hughley Noel at 503-232-0010.

Other Designations: Contributing resource, Ladd's Addition Historic District

Zoning: R5, Residential 5000

Case Type: HDZ, Historic Design Review

Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

Applicant is requesting Historic Design Review for a proposal to replace five existing, 2'-11" x 1'-5", painted, wooden, awning-style basement windows with gray vinyl windows. All of the windows are located on the sides of the house and open into small light wells. The proposal is to replace four of the existing windows with awning units of the same size as the originals, in the same openings, and at the same depth within the wall. The sill of the fifth opening, on the left (south) elevation, would be cut down to within 3'-10" of the basement floor to accommodate a new gray vinyl casement window to provide code-compliant egress from the basement. Historic Design Review is required because the property is within the Ladd's Addition Historic District, which was listed in the National Register of Historic Places on August 31, 1988.

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:

- 33.846.060 Historic Design Review
- Ladd's Addition Conservation District Guidelines

ANALYSIS

Site and Vicinity: Ladd's Addition Historic District is listed in the National Register of Historic Places for its unique contribution to the practice of community planning and landscape architecture. Its pattern of streets, alleys, and public gardens, skewed diagonally to the compass, was virtually without precedent when it was laid out by William Sargent Ladd in 1891. Several circumstances, including Ladd's untimely death in 1893 and a general economic downturn beginning at about the same time, contributed to a significant delay in the building up of the platted subdivision. Hence, the mean construction date for contributing buildings in the district is 1924, the year the subject house was constructed. The house, and its "twin" next door, both appear to have been built on speculation. The purchaser was a Mr. George Heron. Stylistically the house is a modest representation in the popular Norman Farmhouse treatment of eclectic period revivals prevalent in the pre-depression era.

Zoning: The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **October 29, 2008**. No city Bureaus responded with concerns.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 29, 2008. One written response was received in support of the proposal, from J. Alyce a neighbor.

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 located within the Ladd's Addition Historic District. Therefore the proposal requires historic design review approval. The relevant approval criteria are the

Ladd's Addition Conservation District Design Guidelines.

Ladd's Addition Conservation District Guidelines

The revised Ladd's Addition guidelines were adopted in 1988, with both the Ladd's Addition Conservation District Advisory Council and the Landmarks Commission and staff participating in their formulation. The basic intent of the guidelines is to ensure that new development in the district is compatible with the character and the architecture, which distinguish Ladd's Addition. The guidelines document is organized around three general topic areas: community design, new construction, and exterior remodeling.

Staff has considered all guidelines and has addressed only those guidelines considered applicable to this project.

Exterior Rehabilitation Guidelines

1. Façades Oriented to a Street. In rehabilitating existing buildings, the architectural integrity of street-oriented façades should be maintained. Additions and structural alterations should be limited to the rear and side yard façades and be minimally visible from the street.

Findings: The proposed alterations are limited to the sides and mostly toward the rear of the building. They are effectively screened from view by existing plantings and their position near and below grade. *This Guideline is therefore met.*

2. Foundations. Changes to the foundation should match or be compatible with the original foundation in height and materials.

Findings: Only one of the five openings is being expanded for egress purposes. The replacement windows will be gray in color to blend with the foundation material. *This Guideline is therefore met.*

3. Windows and Doors. Original windows and doors, including trim, should be retained or restored. If repair is not feasible, new windows or windows on additions should match or be compatible with original windows in form, materials, type, pattern and placement of openings. On residences, the removal of original wood sash windows and replacement with aluminum sash is especially discouraged. Restoration of commercial storefront windows with large fixed glass panes below and smaller glass panes above is especially encouraged.

Findings: Five original basement windows are slated for replacement, all of which are somewhat deteriorated. The proposed vinyl frame material will match the originals in form, type, pattern and placement of openings. The use of non-wooden sashes is justified by the wet character of their locations and their minimal contribution to the integrity of the architecture. *This Guideline 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 proposed use of vinyl replacement, normally not acceptable within historic districts, is justified in this case by several mitigating factors: a) the windows to be replaced are small, obscure, and not critical to the building's ability to convey its historic character; b) the installation closely duplicates the original in terms of position in the wall and operation; (c) the location is challenging for wood windows because it is very wet; and (d) the integral gray color of the units allows them to blend with the material of the foundation and recede visually. The proposal therefore merits approval.

ADMINISTRATIVE DECISION

Approval of a proposal to:

- replace five existing, 2'-11" x 1'-5", painted, wooden, awning-style basement windows with gray vinyl windows;
- four windows to match the originals in size and operation; and
- sill of fifth opening to be cut down to accommodate a new, 2'-6" x 3'0", casement window.

Approval per the drawings Exhibits C-1 through C-7, signed and dated November 25, 2008, subject to the following conditions:

- 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-7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-170250 HDZ. No field changes allowed."

Decision rendered by:  on November 25, 2008.
By authority of the Director of the Bureau of Development Services

Decision mailed: November 28, 2008

Staff Planner: Dave Skilton

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 14, 2008, and was determined to be complete on October 24, 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 14, 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 Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on December 12, 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 Historic 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 15, 2008 – (the first business 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.

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

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

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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. East Elevation
 3. North Elevation (attached)
 4. South Elevation (attached)
 5. Typical Awning Window Section
 6. Casement Window Section
 7. Window Specification
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: None

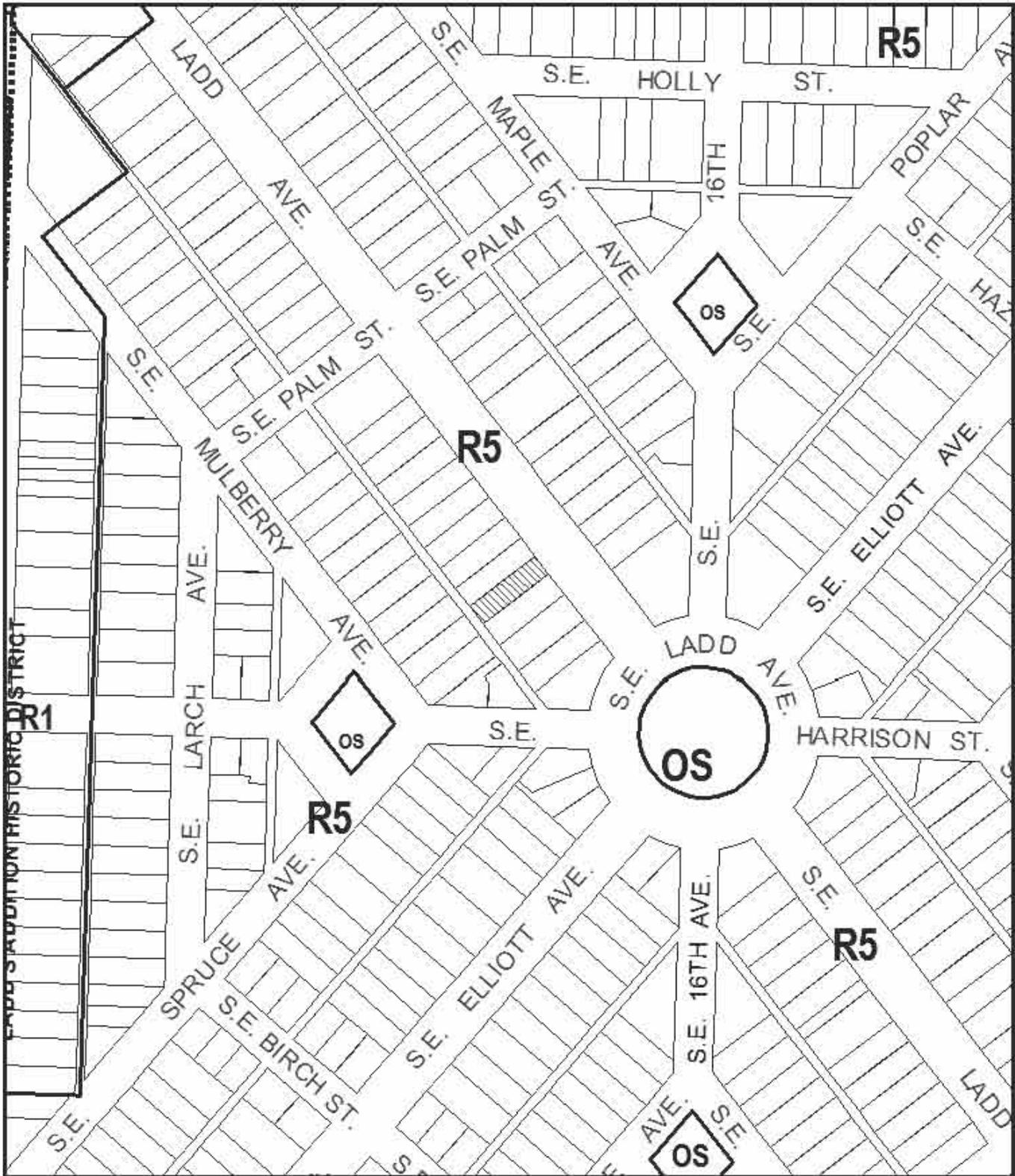
F. Correspondence:

1. J. Alyce, October 30, 2008, “OK by me.”

G. Other:

1. Original LU Application
2. Case Correspondence Log

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



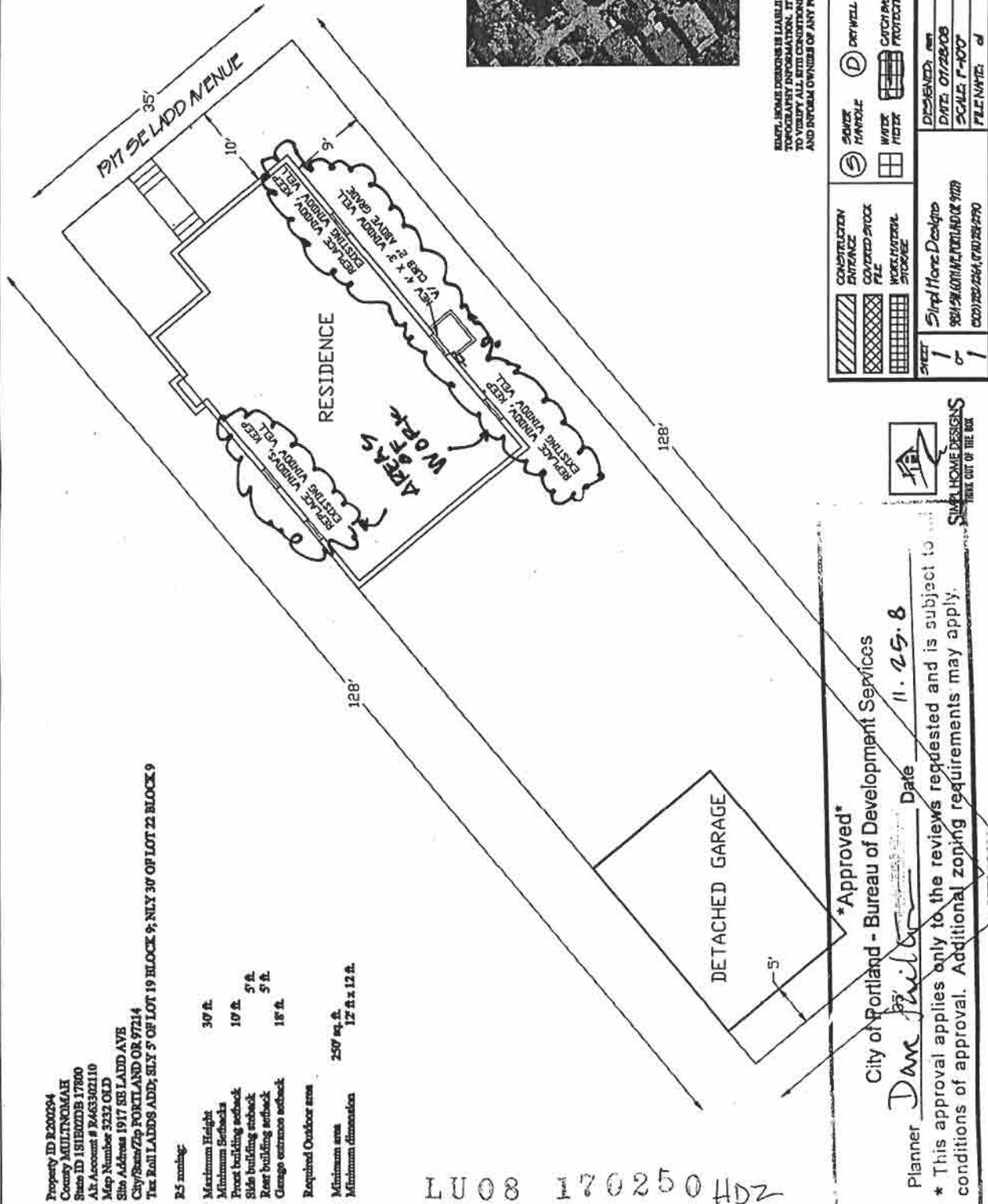
This site lies within the:
LADD'S ADDITION HISTORIC DISTRICT HISTORIC DISTRICT

File No.	<u>LU 08-170250 HDZ</u>
1/4 Section	<u>3232</u>
Scale	<u>1 inch = 200 feet</u>
State Id	<u>1S1E02DB 17800</u>
Exhibit	<u>B (Oct 16, 2008)</u>

SITE PLAN



NORTH



NOTE: HOME DESIGNERS IS LIABLE FOR THE ACCURACY OF THE TOPOGRAPHY INFORMATION. IT IS THE SOLE RESPONSIBILITY OF THE BELIEVER TO VERIFY ALL SITE CONDITIONS, INCLUDING ANY FILL PLACED ON THE SITE, AND INFORM OWNERS OF ANY POTENTIAL FILL ACCEPTANCE.

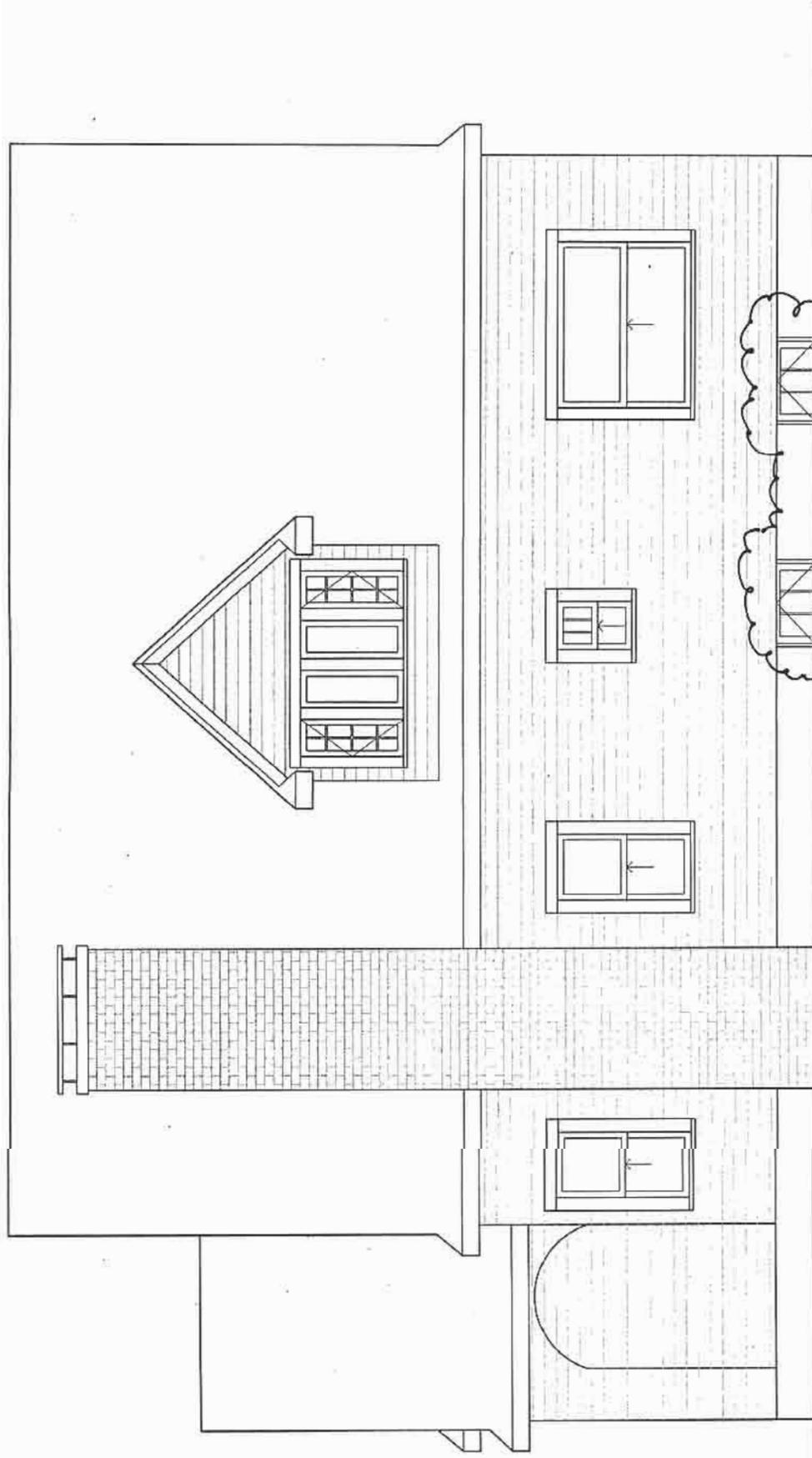
<input type="checkbox"/> CONSTRUCTION ENTRANCE <input type="checkbox"/> COVERED DRIVE <input type="checkbox"/> FILE <input type="checkbox"/> WORK MATERIAL STORAGE	<input type="checkbox"/> DRIVE PAVEMENT <input type="checkbox"/> WATER PAVEMENT <input type="checkbox"/> DRY WELL <input type="checkbox"/> CATCH BASIN PROTECTION	<input type="checkbox"/> WATER LINE <input type="checkbox"/> SEWER LINE <input type="checkbox"/> PROPOSED WATER <input type="checkbox"/> PROPOSED WASTE <input type="checkbox"/> WOOD CLEARED EXIST. <input type="checkbox"/> 24" TRENCH
SHEET 1 of 1 Sited Home Designs 9842 SW LANTANA PORTLAND OR 97219 (503) 225-2524 / (503) 225-2520	DESIGNED BY: JMS DATE: 07/28/08 SCALE: 1"=40' FILE NAME: J	JAMES NIKKLE & KATE CO. 1917 SE LADD AVE PORTLAND OR 97214

Property ID E200294
 County MULTNOMAH
 Sites ID 1S18C02DB 17800
 A/E Account # 2463302110
 Map Number 3232 OLD
 Site Address 1917 SE LADD AVE
 City/State/Zip PORTLAND OR 97214
 Tax Tract LANDS ADD; SLY 5' OF LOT 19 BLOCK 9; NLY 30' OF LOT 22 BLOCK 9

- RS zoning
- Maximum Height 30' ft.
 - Minimum Setbacks 10' ft. 5' ft. 5' ft.
 - Front building setback 18' ft.
 - Side building setback 5' ft.
 - Rear building setback 5' ft.
 - Garage entrance setback 18' ft.
- Required Outdoor area
- Minimum area 250 sq. ft.
 - Minimum dimension 17' ft. x 12' ft.

LU08 170250 HDZ

Approved
 City of Portland - Bureau of Development Services
 Planner DAM Date 11.25.8
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.
 SIMPLHOME DESIGNS
 THINK OUT OF THE BOX



AREA OF WORK

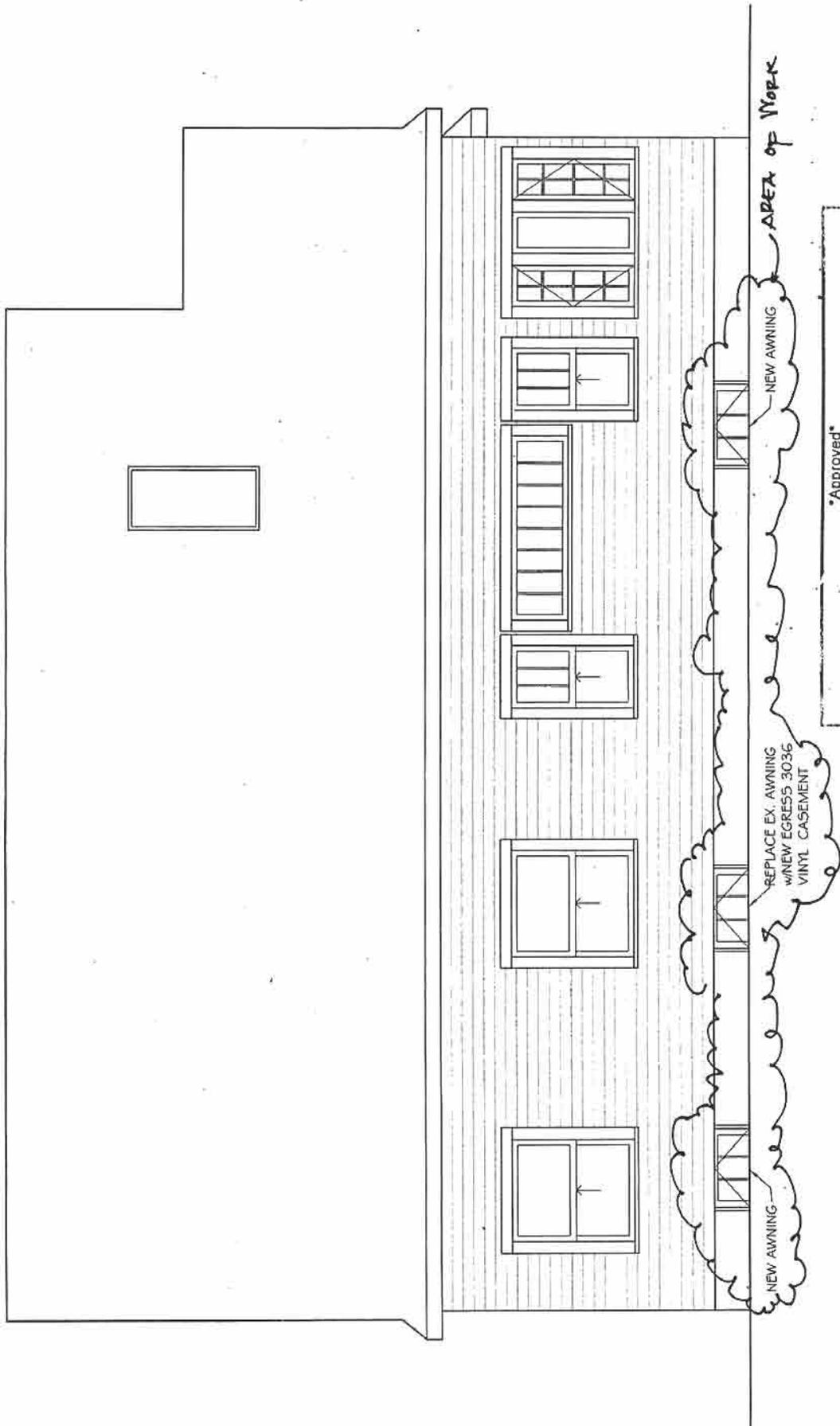
NEW AWNING

Approved
 City of Portland - Bureau of Development Services
 Planner *Dave Skelton* Date *11.25.8*
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

NORTH ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT C-3
 LU08 170250
 HDZ



Approved
 City of Portland - Bureau of Development Services
 Planner *Dan Hilton* Date 11.25.8
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

SOUTH ELEVATION

SCALE: 1/4" = 1'-0"

EXHIBIT C-4
 LU08 170250HD2