



City of Portland  
**Bureau of Development Services**  
Land Use Services Division

1900 SW Fourth Ave. Suite 5000  
Portland, Oregon 97201  
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[www.portlandonline.com/bds](http://www.portlandonline.com/bds)

**Date:** October 3, 2008  
**To:** Interested Person  
**From:** Breah Pike-Salas, Land Use Services  
503-823-6825 / [Breah.Pike-Salas@ci.portland.or.us](mailto:Breah.Pike-Salas@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 08-155608 HDZ - NEW REAR YARD DECK**

**GENERAL INFORMATION**

**Applicant:** Michael P Girard & Karen E Main  
1508 SE Poplar Ave  
Portland, OR 97214  
503.381.5636

**Site Address:** 1508 SE POPLAR AVE

**Legal Description:** BLOCK 20 LOT 9, LADDS ADD  
**Tax Account No.:** R463304470  
**State ID No.:** 1S1E02DB 00300  
**Quarter Section:** 3232

**Neighborhood:** Hosford-Abernethy, contact Kina Voelz at 971-207-9243.  
**Business District:** Hawthorne Blvd. Bus. Assoc., contact Karin Edwards at 503-230-0087.  
**District Coalition:** Southeast Uplift, contact Cece Hughley Noel at 503-232-0010.

**Plan District:** Ladd's Addition Historic District  
**Zoning:** R5, Single Family Residential, Minimum 5,000 Square Feet

**Case Type:** HDZ, Historic Design Reveiw  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**Proposal:**

The applicant requests historic design review approval for a new, uncovered deck approximately 293 square feet in area replacing an existing smaller deck on the rear of the primary residence. The new deck shall be constructed of tiger wood left unfinished to retain the wood grain color. Associated post and railings will be painted to coordinate with the existing siding and trim color of the primary residence. The majority of the deck will sit 32 inches from grade with the remaining portion sitting at 48 inches from grade.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33, Portland Zoning Code. The relevant approval criteria are:

- Ladd's Addition Conservation District Guidelines
- 33.846 Historic Reviews

**ANALYSIS**

**Site and Vicinity:** The site is located on the block bounded by SE Hawthorne Boulevard, SE Poplar Avenue, SE Hazel Street, and SE Elliot Avenue. The existing Craftsman style house is 1,100 square feet in size with a detached garage 602 square feet in size. It fronts SE Poplar Avenue. An alley running parallel to SE Poplar Avenue is located in the rear. The proposed work will be done at the rear of the facade between the house and the garage which faces the alley.

The two-story house is known as the Johnson, Thurston & Belle residence, a Contributing Structure in the Historic District. The first owner-resident of this building was Thurston Johnson, a printer for The Oregonian, who lived here with his wife, Belle, and daughter, Jesse, a school teacher.

This rectangular two-story building has a low-pitched roof with deep projecting boxed eaves and composition shingles; a hip-roofed dormer is centered on the front elevation. The full-width hip-roofed porch has boxed eaves; clustered, slender truncated turned columns on sided piers, and a vertical wood slat balustrade, a wood foundation with wood stairs and an iron post railing. Windows are primarily large double-hung wood sashes with cornice trim; there are square bay windows with flared-hipped roofs on the side elevations. The building has narrow beveled siding with cornerboards and a narrow frieze board at the cornice line. It has a concrete foundation and basement, and a typical mid-block setback with medium sized shrubs along the building edges.

**Zoning:** The "R5" zone is a high-density single-dwelling residential zone. It is intended to foster the development of single-dwelling residences on lots having a minimum area of 3,000 square feet, with minimum width and depth dimensions of 36 to 50 square feet. Newly created lots must have a minimum density of 1 lot per 5,000 square feet of site area.

**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 **August 29, 2008**. The following Bureaus have responded with no issues or concerns:

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

The Bureau of Environmental Services responded with the following comment. (see Exhibit E-1 for additional details):

1. Per the Stormwater Management Manual, slatted decks are considered pervious. Therefore, BES has no objections to the requested historic design review for a new, uncovered deck (approximately 293 SF in area) replacing an existing smaller deck. The building plans for this project are currently under review under #08-143312-RS. Any requirements identified during the permit review process must be met. Further development of the property would be subject to the Bureau of Environmental Services' standards and requirements during

the building plan review process. Please direct questions regarding this matter to Jocelyn Tunnard, (503) 823-5780.

The Plan Review Section of the Bureau of Development Services responded with the following comment (see Exhibit E-2 for additional details):

1. A separate Building Permit is required for the work proposed and the work 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, between the hours of 7:30 AM and 3:00 PM Monday through Friday and also 5:00 PM to 7:30 PM Thursday evening (no appointment necessary.) Building Code information is also available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on August 29, 2008. No written comments in response to the proposal have been received from the neighborhood association (Hosford-Abernethy Neighborhood Development) 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 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 [sic] 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 Rehabilitation.

*The general topic area considered applicable to this project is Exterior Rehabilitation. Staff has considered all Exterior Rehabilitation guidelines and has addressed only those considered applicable to this project.*

### **3. Exterior Siding Material.**

Restoration and maintenance of original siding materials is encouraged. Materials used on additions should match or be compatible with the predominant materials used on the original structure. Most single family residences and duplexes in Ladd's Addition feature stucco, horizontal wood siding, wood shingles, brick or a combination of these materials. Most commercial and multi-family structures feature stucco or brick. The following materials are discouraged: plywood, used brick, shakes, exposed concrete block and metal.

## 8. Color.

Restoration and maintenance of original siding materials is encouraged. Materials used on additions should match or be compatible with the predominant materials used on the original structure. Most single family residences and duplexes in Ladd's Addition feature stucco, horizontal wood siding, wood shingles, brick or a combination of these materials. Most commercial and multi-family structures feature stucco or brick. The following materials are discouraged: plywood, used brick, shakes, exposed concrete block and metal.

**Findings for 3 and 8:** The materials for the proposed deck will be made specifically of a sustainably harvested tropical hardwood known as Tiger wood left untreated to retain the wood grain color, while the associated posts and railings will be made of wood painted to match the existing trim and siding of the primary structure. This is in keeping with the existing house, which features wood siding, windows, doors, posts, and trim. The railing installation will require minor alterations to the existing siding to be replaced to match the existing exterior siding. A condition of this approval is for the bottom of the deck to be screened with a framed lattice painted to match the existing trim and siding of the primary structure. This lattice screen is depicted as part of the original deck to be replaced. *With this condition, 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

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 proposed new deck will employ high-quality materials and respect the architectural integrity of the existing house. The new deck will match the existing conditions of the house in terms of scale, proportions, materials, design, and style. The new deck will enhance the appearance of the rear façade, as well as enhance the rear yard experience for the owners of the residence. The proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of a new deck to replace an existing deck located at the rear of the Johnson, Thurston & Belle residence. Approval per the approved site plans, Exhibits C.1 through C.5, signed and dated September 26, 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-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 08-155608 HDZ. No field changes allowed."
- B. The bottom portion of the new deck shall be screened with a framed lattice painted to match the existing trim and siding of the primary structure. This lattice is depicted in Exhibit C-2 showing the existing deck to be replaced.



**Decision rendered by:** \_\_\_\_\_ **on September 26, 2008.**

By authority of the Director of the Bureau of Development Services

**Decision mailed: October 3, 2008**

**Staff Planner: Breah Pike-Salas**

**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 **August 15, 2008**, and was determined to be complete on **August 27, 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 August 15, 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 , which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 17, 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](http://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 **October 20, 2008**.
- 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:

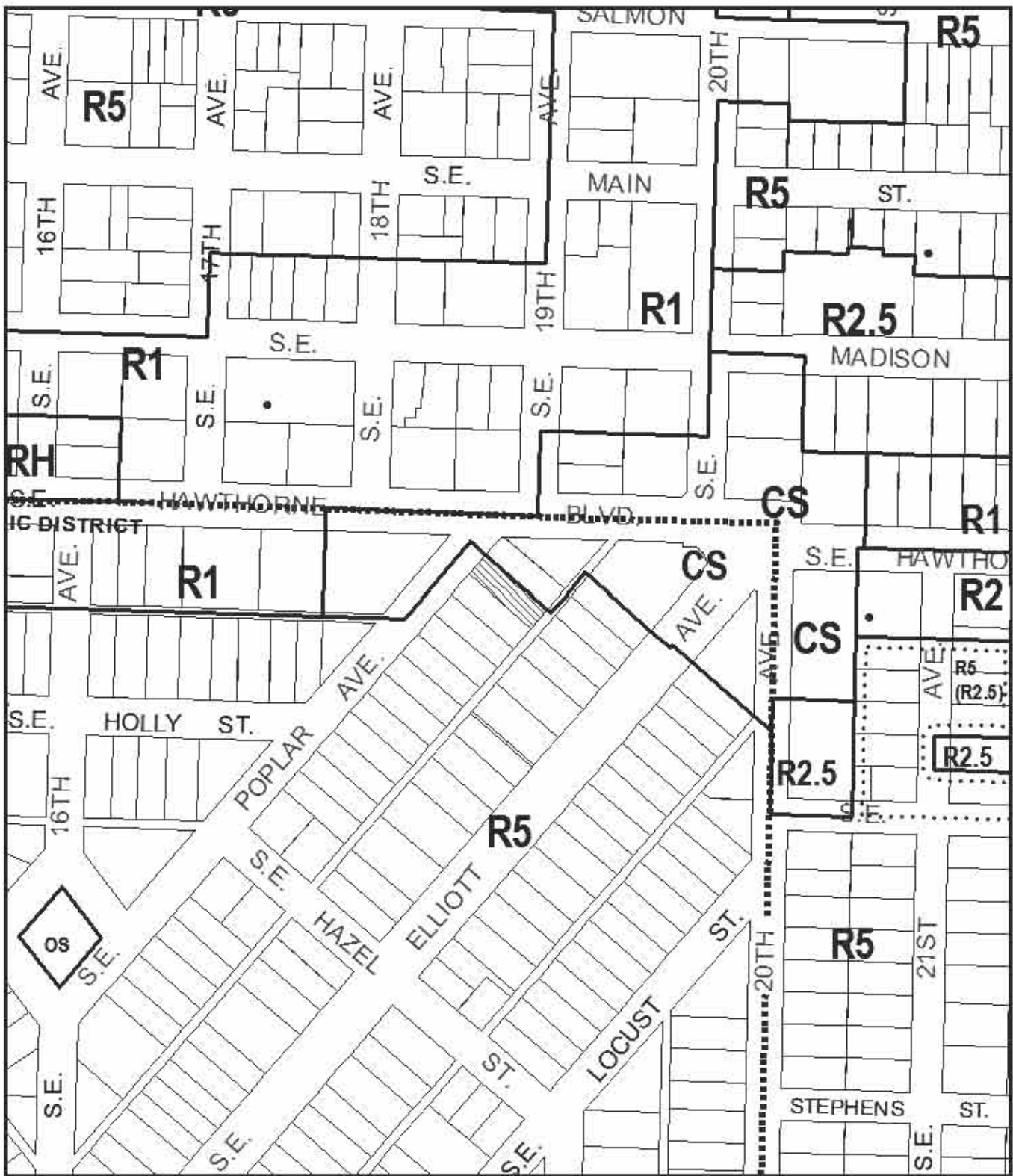
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**



NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Existing deck to be replaced (attached)
  - 3. Rear facade elevation of proposed deck (attached)
  - 4. Detailed elevation drawing of new deck railing, brackets and footings (attached)
  - 5. Floor Structure Plan, 4x4 Column Connection at Deck Edge Detail Drawing (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services (attached)
  - 2. Plan Review Section of the Bureau of Development Services (attached)
- F. Correspondence: Non received.
- G. Other:
  - 1. Original LU Application
  - 2. 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
-  Historic Landmark



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

File No.	LU 08-155608 HDZ
1/4 Section	3232
Scale	1 inch = 200 feet
State_Id	1S1E02DB 300
Exhibit	B (Aug 18,2008)







LU 08-155608 HDZ

**\*Approved\***

City of Portland - Bureau of Development Services

Planner

*Sarah Hill-Salvo*

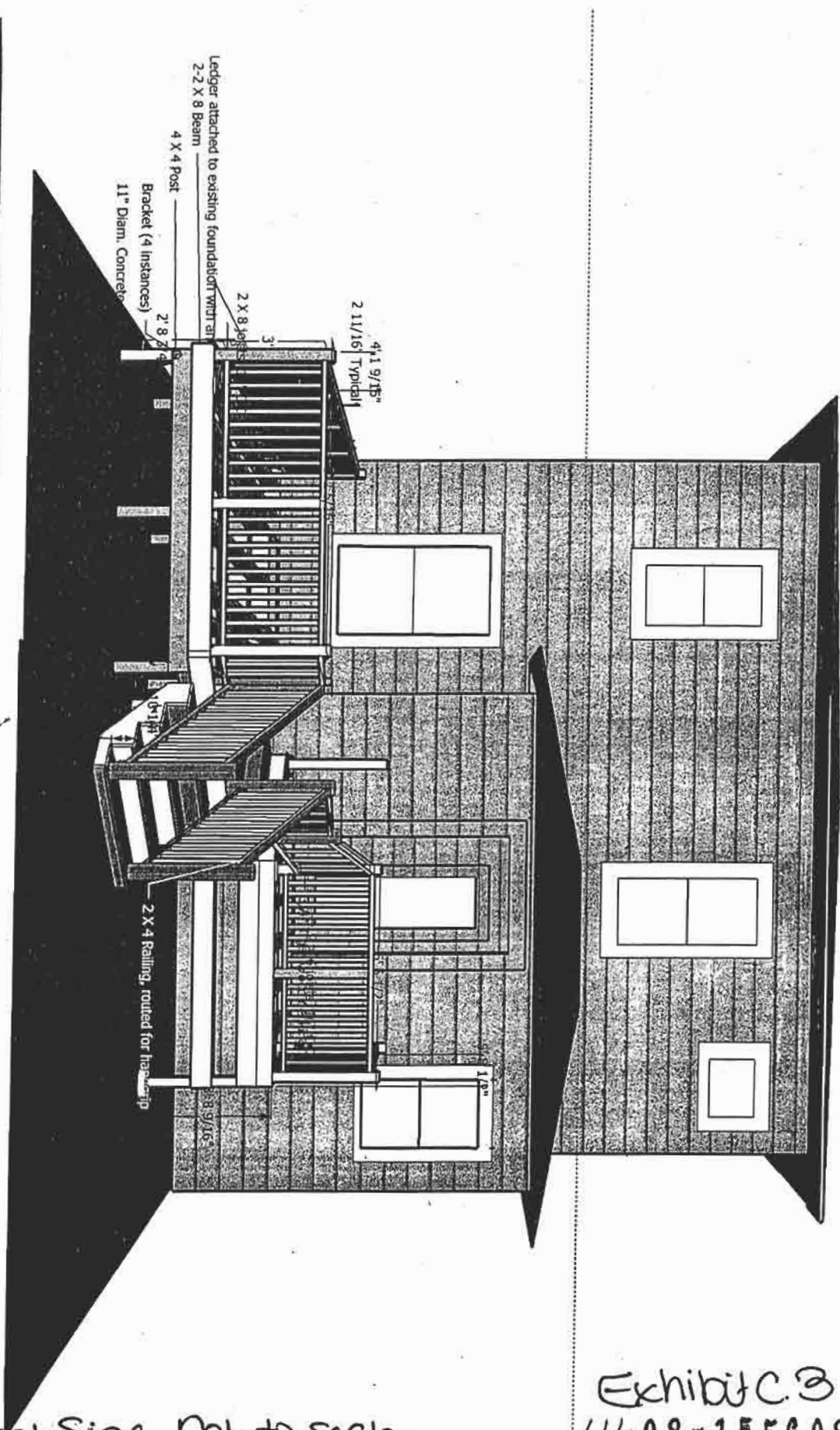
Date

*9/20/08*

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

*Exhibit C.2*

City of Portland - Bureau of Development Services  
 Planner: *John Van-Sano* Date: *9/20/08*  
 \* This report applies only to the reviews requested and is subject to all  
 conclusions and approval. Additional zoning requirements may apply.



Reduced Sheet Size - Not to Scale.

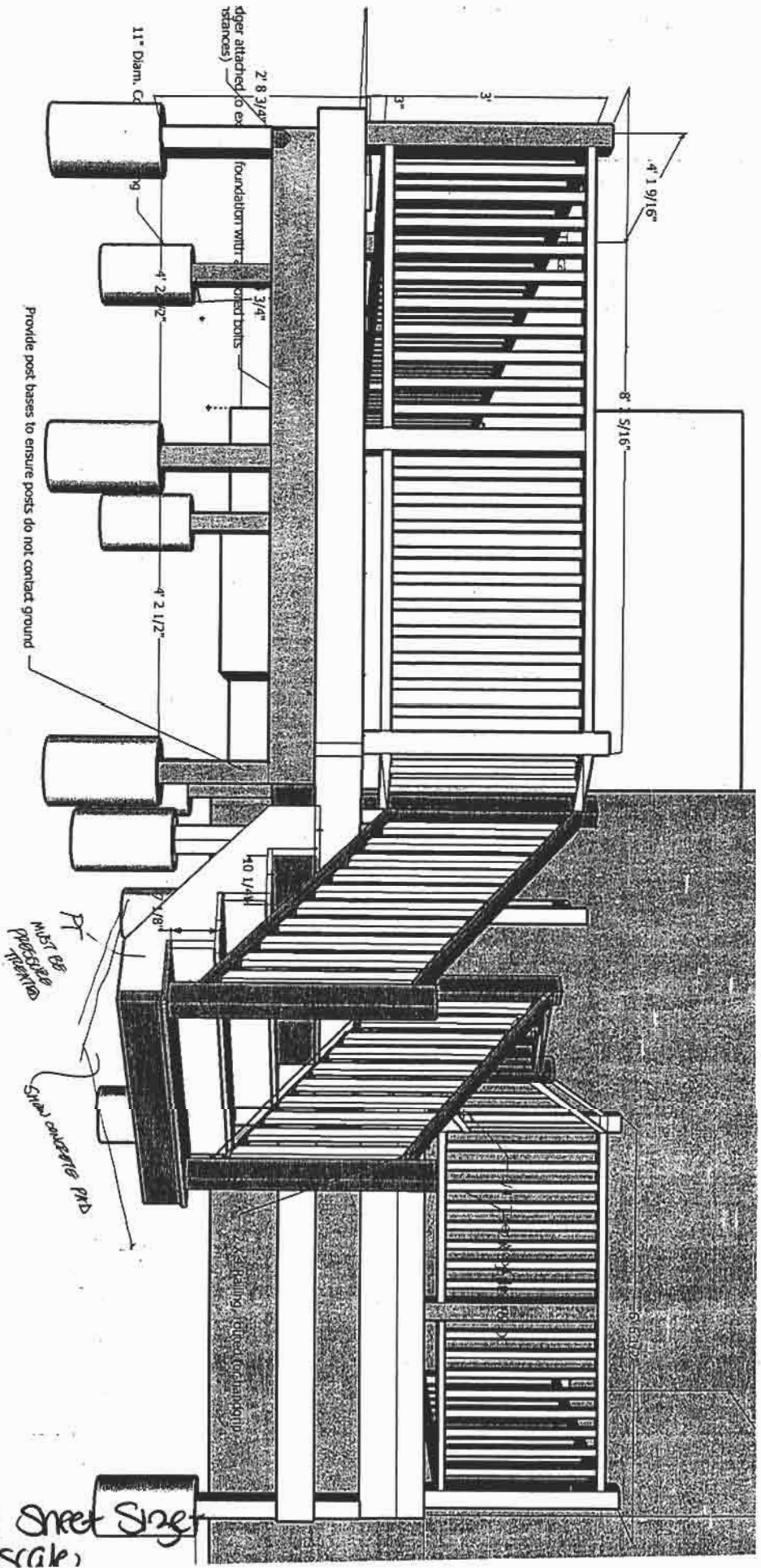
Exhibit C.3  
 LU-08-1556.08 HDZ

\*Approved\*

City of Portland - Bureau of Development Services

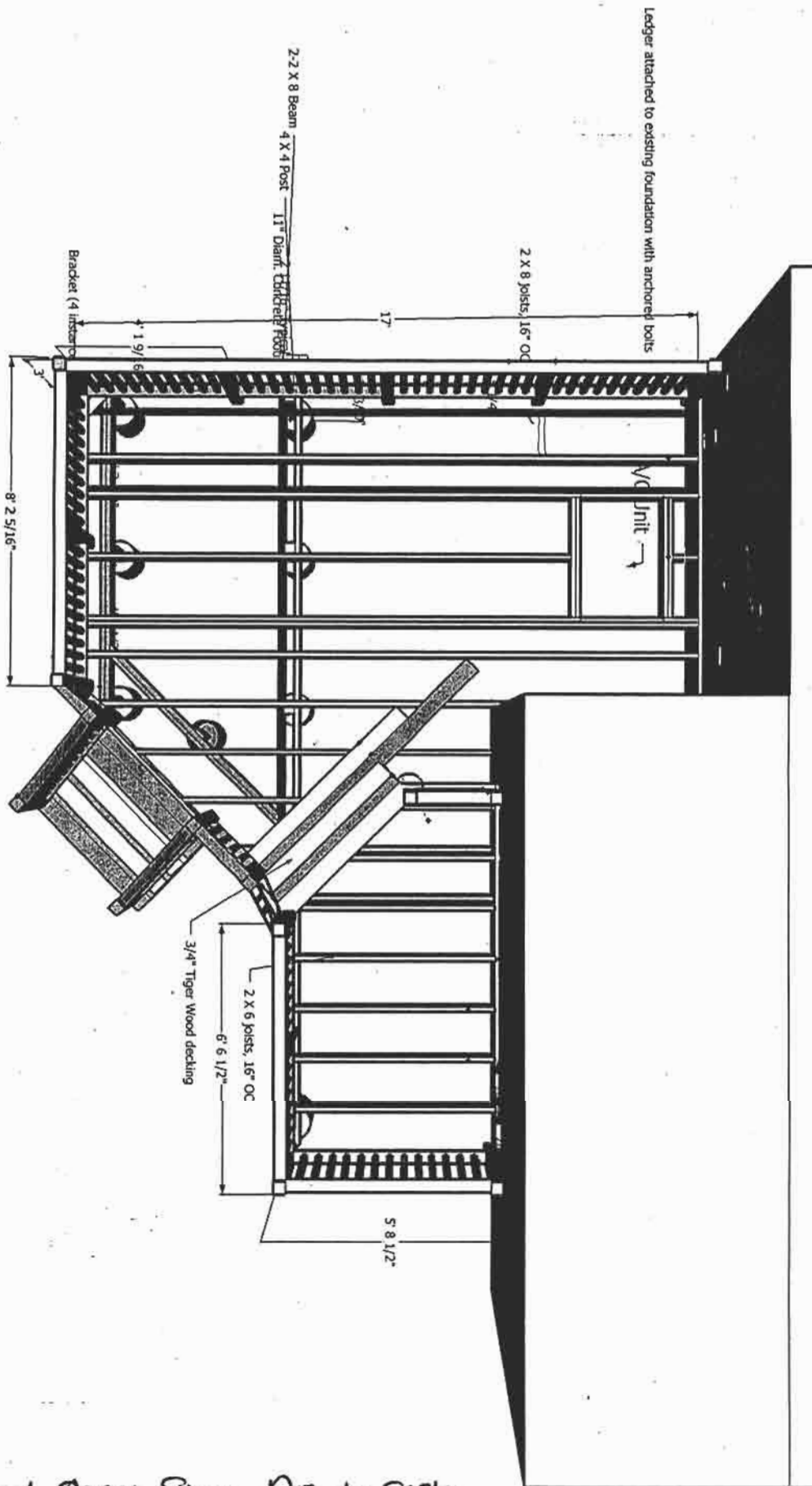
Planner: *Pauline [Signature]* Date: *9/26/08*

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



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Not to Scale

Exhibit C.4



\*Approved\*

City of Portland - Bureau of Development Services  
 Planner: *Paula P. Sano* Date: *9/20/08*

\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

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LU 08-155608 HD2

Exhibit C.5