

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: January 3, 2011 **To:** Interested Person

From: Dave Skilton, Land Use Services 503-823-0660

dave.skilton@portlandoregon.gov

NOTICE OF A TYPE I 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 to the Oregon Land Use Board of Appeals (LUBA) at 550 Capitol St. NE, Suite 235, Salem, OR 97301. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-173974 HDZ - LANDSCAPING

GENERAL INFORMATION

Applicant: Patricia H Winn, Owner

2050 SE 16th Avenue Portland, OR 97214-5328

Representative: Ann Bamberger, Landscape Designer 503-969-4697

Dennis 7 Dees Landscape

7355 SE Johnson Creek Boulevard

Portland, OR 97206

Site Address: 2050 SE 16th Avenue

Legal Description: BLOCK 32 LOT 19 EXC SELY 3', LADDS ADD

Tax Account No.: R463307430 **State ID No.:** R51E02DC 10400

Quarter Section: 3232

Neighborhood: Hosford-Abernethy, contact Joanne Stainbrook at 503-231-9245. **Business District:** Division-Clinton Business Association, contact Darice Robinson at

503-233-1888.

District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010.

Other Designations: Non-contributing resource, Ladd's Addition Historic District, listed in

the national Register of Historic Places on August 31, 1988.

Zoning: R5, Residential 5000, with Historic Resource Protection Overlay

Case Type: HDZ, Historic Design Review

Procedure: Type I, an administrative decision with appeal to the Oregon Land Use

Board of Appeals (LUBA).

Proposal:

The applicant is seeking Historic Design Review for a proposal to install an accessibility ramp, stairs, a patio, a small water feature and other minor landscape features. Historic

Design Review is required because the proposal is for non-exempt exterior alterations in a Historic District.

Relevant Approval Criteria:

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

Ladd's Addition Conservation District Guidelines – Exterior Rehabilitation

ANALYSIS

Site and Vicinity: The subject house is a non-contributing resource in the Ladd's Addition Historic District. Its non-contributing status stems from its having been built outside the district's period of significance, not from its form, scale, massing, siting, or materials. The house was built in 1958 for Myrtle Larsen.

The Historic District, with its distinctive pattern of streets, alleys, and public gardens, is significant as an early example of planned suburban development related to the extension of streetcar lines east of the Willamette River in the late nineteenth century. Ladd's Addition Historic District was listed in the National Register of Historic Places on August 31, 1988, with a period of significance of 1891-1939.

The historic character of the Ladd's Addition neighborhood is one of small to medium-sized houses, set back moderately from tree-lined streets, with five public gardens incorporated into the distinctive layout of the subdivision at significant nodes. A few larger houses, churches, small apartment buildings, and modest commercial properties, similar in character to the single-family housing, are sprinkled throughout the district. Denser traditional storefront commercial and apartment development is concentrated along SE Hawthorne, the northern boundary street, and SE Division at the south. These were the streets that were originally designed to accommodate the streetcar lines.

Zoning: The single-dwelling zones, including R5, 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.

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 that prior land use reviews include the following:

• LU 09-157872 HDZ, approving exterior alterations to a non-contributing resource.

Public Notice: A Notice of Proposal in your Neighborhood was mailed on **November 18, 2010**.

Agency Review: none of the notified Bureaus has responded with issues or concerns about the proposal.

Neighborhood Review: One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

• On December 12, 2010 Joanne Stainbrook, Land Use Chair for the Hosford-Abernethy Neighborhood Development Association, wrote generally approving the proposal but questioning the fact that stone work had already begun.

Staff Response: The applicant notified staff that she would proceed at her own risk with work not requiring a building permit, and which would not be separately subject to review.

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 Ladd's Addition Historic District and the proposal is for a non-exempt treatment not requiring a new foundation. Therefore Historic Design Review approval is required. The approval criteria are the *Ladd's Addition Conservation District Design Guidelines – Exterior Rehabilitation*.

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

Ladd's Addition Conservation District Guidelines - Exterior Rehabilitation

- **10. Front Lawn.** On sites of non-commercial structures, retention of front lawns, mature trees, and older shrubs and perennials are encouraged. Plants popular in the 1910's and 1920's are encouraged. The predominant use of ground covers, such as bark mulch and broadleaf evergreens, is discouraged. Original grades should be retained; berms and excavations are discouraged
- **11. Fences and Retaining Walls.** Front and side yards, which abut a street, should be visually open to the street. Hedges, retaining walls and fences, which visually obscure front yards, are discouraged. Fences should be kept behind building lines, as viewed from the street.

Findings for 10 and 11: The proposed installation of new stone steps and a new concrete accessibility ramp in the front yard, and other improvements in the side yard, will not displace trees or other large, mature plants. New planting beds will be created and eventually populated. Large areas of lawn will also be preserved near the sidewalk. The "naturalistic" design style of the stone steps, pathways, retaining walls, and patio was one much employed in domestic gardens during the early Twentieth Century, and both the natural and manmade materials proposed were in common use in the historic district during the period of significance.

The indirect routing of the accessibility ramp and the careful placement of low, stepped, retaining walls will allow the concrete structure to nestle better into the landscaping without diminishing the quality of experience for its users in approaching the front door. No new fencing is proposed, and none of the proposed work will screen the house as viewed from the public right-of-way. The proposal will, however help to mask a prominent and out-of-character existing front porch. *These guidelines are 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

This proposal achieves two valuable outcomes, which serve both the neighborhood and the owner: the house is made accessible at its primary entrance, and the large, existing, out-of-character front porch is significantly masked. The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Design Review guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of new landscaping, including front steps and an accessibility ramp, on a non-contributing property in the Ladd's Addition Historic District;

Approval per Exhibits C-1 through C-6, signed and dated December 28, 2010, subject to the following condition:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C-1 through C-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-173974 HDZ."

Staff Planner: Dave Skilton

Decision rendered by: _____ Dave \ huto_____ on December 28, 2010

By authority of the Director of the Bureau of Development Services

Decision mailed: January 3, 2011

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 September 9, 2010, and was determined to be complete on **September 23, 2010**.

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 September 9, 2010.

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 waived the 120-day review period, as stated with Exhibit A-2.

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **January 4, 2011**. The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

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

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

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

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

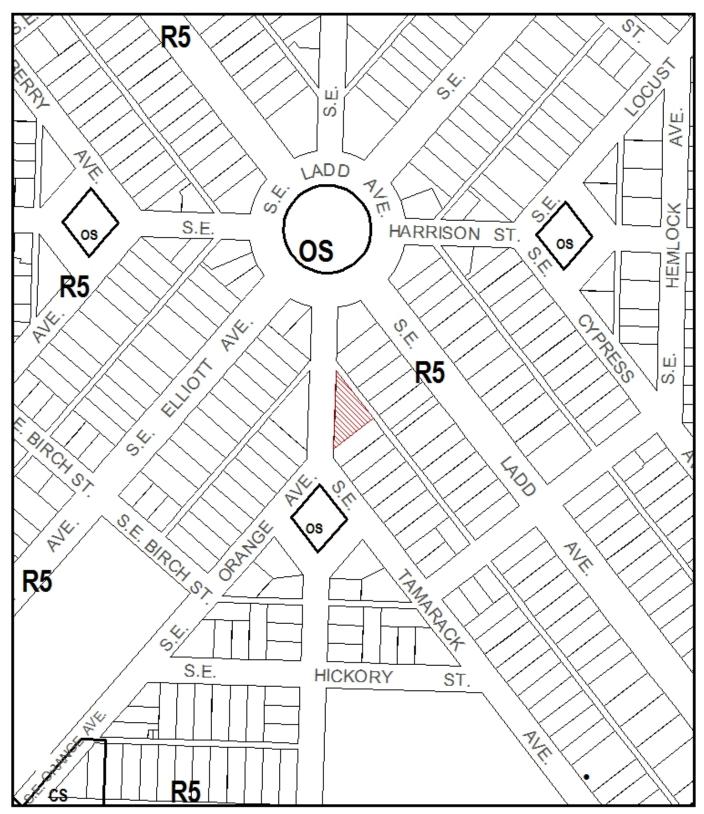
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 - 1. Project Description
 - 2. 120-day Decision Waiver
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Section Locations
 - 3. Section at Ramp
 - 4. Section at Porch/Lawn
 - 5. Section at Porch/Rockery
 - 6. Handrail Elevation Detail
- D. Notification information:
 - 1. Mailing List
 - 2. Mailed Notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Bureau of Transportation
- F. Correspondence:
 - 1. Joanne Stainbrook, Land Use Chair Hosford Abernathy Neighborhood Development Association, December 12, 2010, generally approving of the proposal
- G Other
 - 1. Original Land Use Application
 - 2. Site History Research

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).



ZONING

Site

This site lies within the: LADD'S ADDITION HISTORIC DISTRICT File No. <u>LU 10-173974 HDZ</u> 1/4 Section <u>3232</u>

Scale 1 inch = 200 feet State_Id 1S1E02DC 10400

Exhibit <u>B</u> (Sep 15,2010)

