



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

FROM CONCEPT TO CONSTRUCTION

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Date: June 7, 2012
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The 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 12-130359 HDZ – CARPORT ENCLOSURE
GENERAL INFORMATION

Applicant: Sally La Joie 503-481-9396
1838 SE Lavender Street
Portland, OR 97214-5430

Site Address: 1838 SE Lavender Street

Legal Description: BLOCK 28 NLY 2' OF WLY 55' OF LOT 27 SWLY 1/2 OF LOT 30, LADDS ADD

Tax Account No.: R463306440

State ID No.: 1S1E02DC 02300

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: Contributing Resource in the Ladd's Addition Historic District, which was 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 II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:
The applicant is seeking Historic Design Review approval for a proposal to enclose an existing, non-historic carport on the northeasterly side of the house, using siding to match, and wood casement windows. 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, Portland Zoning Code. The relevant criteria are:

- Ladd's Addition Conservation District Guidelines- New Construction

ANALYSIS

Site and Vicinity: The house that is the subject of this review is identified in the National Register documentation for the Ladd's Addition Historic District as the John and Ruth Knapp Residence after its original owners. The house is a modest example of the so-called Norman Farmhouse style which was popular for residences at the time of construction, in 1928. The house is deemed to contribute to the historic character of the district.

Ladd's Addition Historic District, with its distinctive pattern of streets, alleys, and public gardens, is significant as an early example of a planned suburban development in Portland, related to the extension of streetcar lines east of the Willamette River in the late nineteenth century. The district was listed in the National Register of Historic Places on August 31, 1988. The neighborhood had earlier been recognized by the City of Portland as a Historic Conservation District by ordinance in 1977. Listing in the National Register of Historic Places was achieved through a community initiative.

The built historic character of the Ladd's Addition neighborhood is one of small to medium-large houses, set back consistently from tree-lined streets. Historically, the street tree species was consistent on any given street, and all were substantial. Five public gardens incorporated into the distinctive layout of the subdivision act to emphasize significant nodes. Because almost all properties in the district have alley access there are very few curb cuts at the streets. A few larger houses, churches, small apartment buildings, and modest commercial properties, similar in character to the single-family housing, are sprinkled through the central part of the district. Traditional storefront commercial and apartment development is concentrated along SE Hawthorne, the northern boundary, and to some extent along 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 there are no prior land use reviews for this site.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed May 3, 2012.

Agency Review: None of the notified Bureaus has responded with issues or concerns.

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

- Joanne Stainbrook wrote on behalf of the Hosford-Abernathy Neighborhood Development Association (HAND) on May 24, 2012, suggesting that elimination of the proposed street-facing door might improve compatibility, and raising concerns about the proposed expansion of the curb cut, and the height and location of the proposed fence.

Staff Response: Regarding concerns about the proposed expansion of the curb cut: per 33.10.030 B, land in public rights-of-way is not regulated by the Zoning Code. Questions about this issue should be directed to the Bureau of Transportation at 503-823-5185.

Regarding the proposed fence: under 33.445.320 B – Exempt from Historic Design Review, item 2 specifies "changes that do not require a building, site, zoning or sign permit from the City, and that will not alter the exterior material or color of a resource having exterior material or color specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value." The proposed fence meets these criteria and is therefore exempt from 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

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: In this instance the character of the Ladd's Addition Historic District streetscape is already slightly compromised by the open, out-of-period carport or patio roof added to the side of the attached garage in 1954, and the proposed act of enclosing the structure will create a more characteristic condition. The integrity of the historic street-facing facade will not be affected. *This guideline is met.*

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.

Findings: The proposed exterior siding material, cedar shakes, will match the existing, original facade cladding in form and exposure. *This guideline is 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: No original windows or doors are proposed for alteration and the proposed new windows and doors are wooden, in keeping with the historic district and the particular resource. *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 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 criteria and therefore warrants approval.

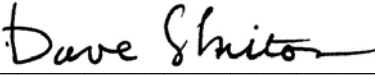
ADMINISTRATIVE DECISION

Approval of enclosure of an existing carport on a contributing resource in the Ladd's Addition Historic District;

Approval is per Exhibits C-1 through C-6, signed and dated June 1, 2012, 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 12-130359 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on June 1, 2012.**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 7, 2012

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 April 17, 2012, and was determined to be complete on **April 30, 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 April 17, 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 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 June 21, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Historic 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 **June 22, 2012**.
- 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.

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

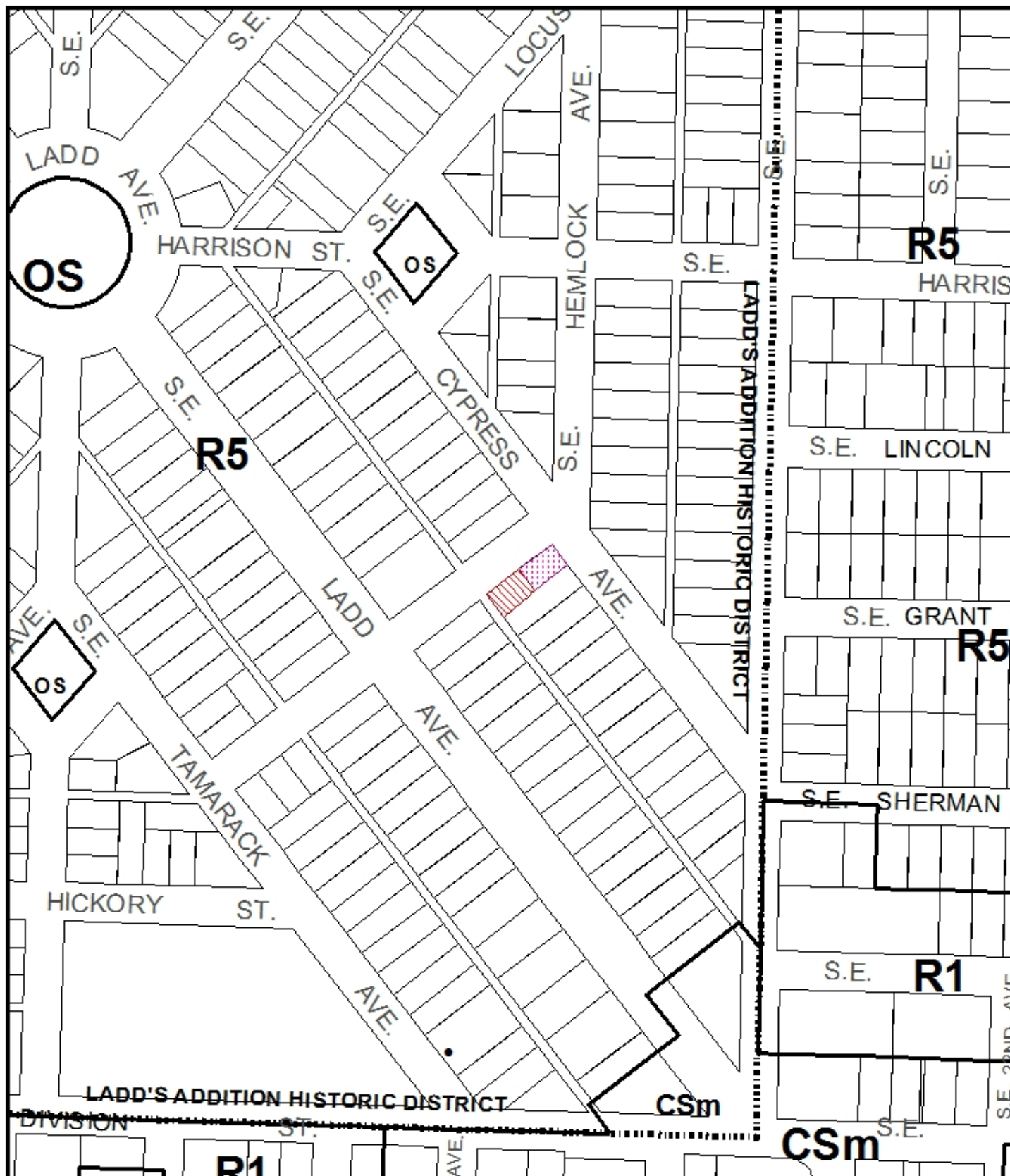
- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Landscape Plan
 - 3. North Elevation (attached)
 - 4. East Elevation
 - 5. South Elevation
 - 6. Window Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau
 - 2. Life Safety Section of BDS
- F. Correspondence:

1. Joanne Stainbrook wrote on behalf of the Hosford-Abernathy Neighborhood Development Association (HAND) on May 24, 2012, suggesting that elimination of the proposed street-facing door might improve compatibility, and raising concerns about the proposed expansion of the curb cut, and the height and location of the existing fence.

G. Other:

1. Original LU Application

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

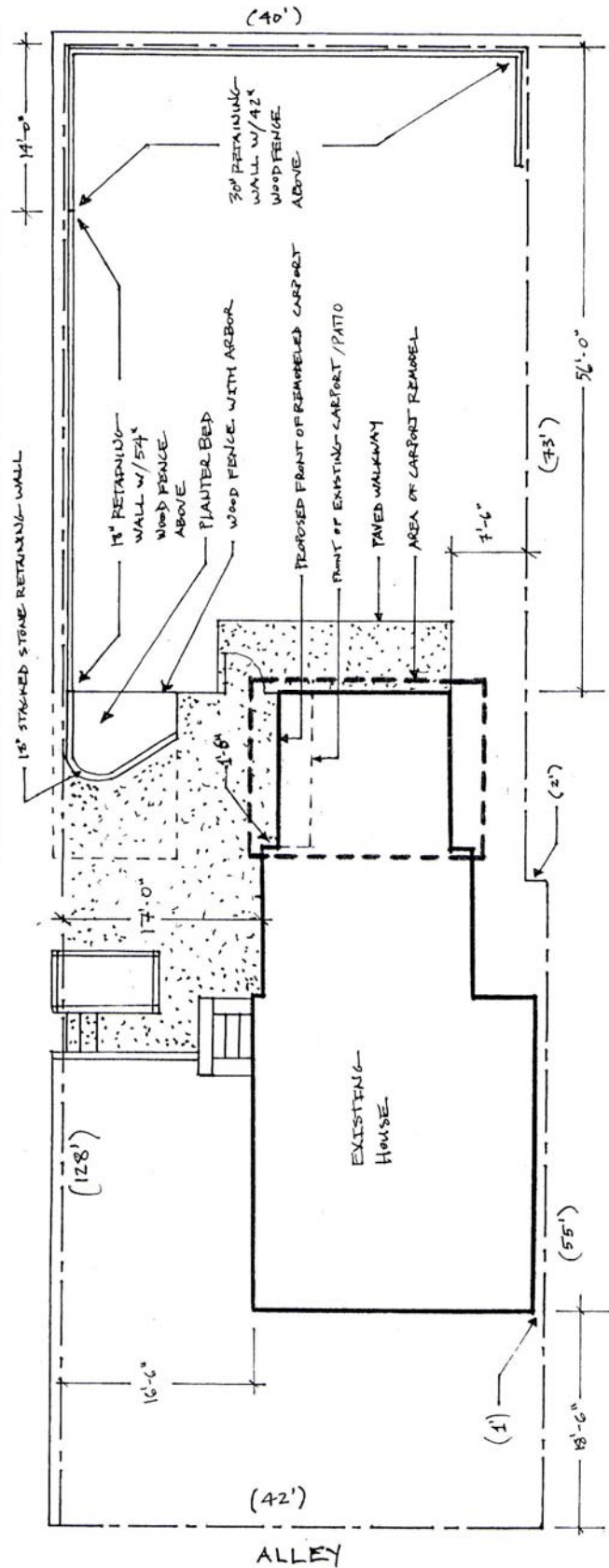
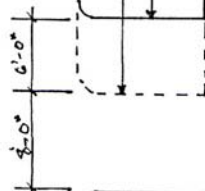
-  Site
-  Also Owned



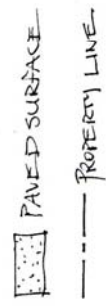
This site lies within the:
LADD'S ADDITION HISTORIC DISTRICT

File No.	LU 12-130359 HDZ
1/4 Section	3232
Scale	1 inch = 200 feet
State_Id	1S1E02DC 2300
Exhibit	B (Apr 20,2012)

LAVENDER ST.



SITE PLAN
1" = 10'-0"
NORTH

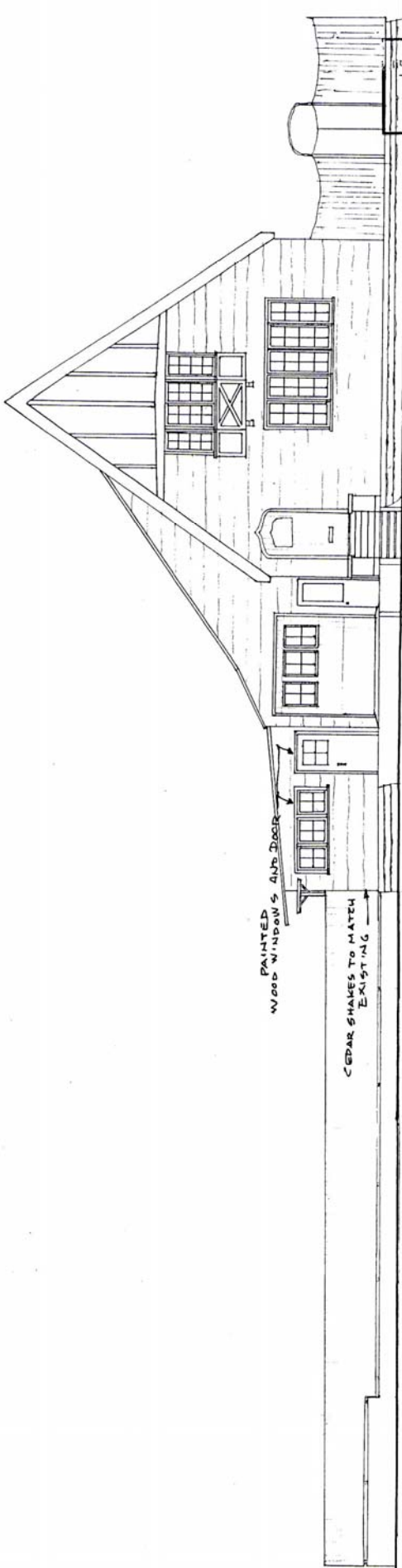


Approved
City of Portland - Bureau of Development Services
Planner *Barb Fulk*
Date 6.1.12
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CYPRESS ST.

LU 12-130 359 HD2

C-1



SITE ELEVATION
NORTH EDGE (LAVENDER STREET FRONTAGE)
1/8" = 1'-0"

204 696 081-21 77
LU 12-130369 H02

* Approved *
City of Portland - Bureau of Development Services
Planner: *Dore Miller*
Date: 6.1.12
* This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

C-3