



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: December 19, 2013
To: Interested Person
From: Jennifer Kenny, Land Use Services
503-823-7011 / Jennifer.Kenny@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 the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal it to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. 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 13-227845 HR EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant/Owner: Anthony Tranquilli, 1403 SE Birch St, Portland OR 97214
Site Address: 1403 SE BIRCH STREET
Legal Description: BLOCK 1 NWLY 41.40' OF LOT 1 NWLY 41.40' OF SWLY 35' OF LOT 4, LADDS ADD
Tax Account No.: R463300010 **State ID No.:** 1S1E02DC 17800
Quarter Section: 3232
Neighborhood: Hosford-Abernethy, contact Joanne Stainbrook at 503-231-9245.
Business District: Division-Clinton Business Assoc, Darice Robinson at 503-233-1888.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Other Designations: Ladd's Addition Historic District
Zoning: R5, Single Family Residential
Case Type: HR, Historic Resource Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant seeks Historic Design Review approval in the Ladd's Addition Historic District for one wood replacement window in the kitchen and a new roof for the Albert J. Brugger House, a Contributing resource to the Ladd's Addition Historic District. Historic Design Review is required for this type of alteration to structures in Historic Districts. Other alterations proposed, but exempt from Historic Review per 33.445.320, include three replacement windows in the basement, a skylight, heat pump, new and replaced roof vents, flue removal, and to move the gas meter.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code found online at www.portlandonline.com

The relevant approval criteria are:

- 33.846 Historic Reviews and 33.445.320
- Ladd's Addition Conservation District Guidelines

ANALYSIS

Site and Vicinity:

This house was built in 1924 by contractor A.J. Brugger, who also constructed the two houses sharing lots 1 and 4 on this block at the same time (1413 S.E. Birch, 1421 S.E. Birch). The house was sold, c. 1930, to Bader and Esther Goodman; Bader worked in the circulation department of *The Oregonian*. The house was designed as a bungalow with Prairie influences.

This one-story rectangular building has a low-pitched hipped roof with deep, projecting boxed eaves. The centered single-bay entry porch has a low-pitched hipped roof with projecting eaves, battered wood columns, a concrete foundation and concrete stairs. The entry door is flanked by two large fixed wood sash windows with multiple lights in the upper sashes. The building is stuccoed; it has a concrete foundation and basement. The building is located on a rectangular lot on the southeast corner of the block. A driveway runs along the east side of the house from the street to the detached carport shared with the house to the east.

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 Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and 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 no prior land use reviews on this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **November 27, 2013**. No Bureau responses were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **November 27, 2013**. General support from the Hosford-Abernethy Neighborhood was received on December 10, 2013 (Exhibit F1).

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource 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 Resource 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: *This guideline is not applicable.*

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

Findings: *This guideline is not applicable.*

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: *This guideline is not applicable.*

4. Roof Form. Repair and alteration of roofs should retain:

- a. The original roof shape and pitch;
- b. Original structural and decorative features such as gables , dormers, chimneys, cornices, parapets, pediments, frieze boards , exposed rafters and other ornamental details; and,

- c. Whenever possible the original type, size, color, and pattern of roofing materials. New roof features including roof additions and new dormers should be compatible in size, scale, materials, and color with the original building. Skylights, solar, mechanical and service equipment, and new roof features should be inconspicuous from the street.

Findings: The original roof was already replaced prior to this application. The new roof will be compatible with the existing building and the predominant roof materials of the other District structures. The proposed skylight will be on the rear elevation and is exempt from this review. *This guideline is therefore met.*

5. **Front Façade Detailing.** Original entrances to buildings, front porches and projecting features, such as balconies, bays, and dormer windows should be retained or restored.

Findings: *This guideline is not applicable.*

6. **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: The new and replacement basement windows are exempt from this review. The replacement kitchen window, which is subject to review, is a double hung wood window, with a three-over-three upper sash. This is more historically appropriate than the existing non-historic, textured glass single window. *This guideline is therefore met.*

7. **Awnings.** On commercial structures, retractable fabric awnings, which are architecturally compatible with the historic integrity of the structure are encouraged. Awnings should fit within window bays. Existing traditional awnings should be rehabilitated.

Findings: *This guideline is not applicable.*

8. **Color.** Restoration of original colors, or colors appropriate to the style and era of the building, is encouraged.

Findings: *This guideline is not applicable.*

9. **Signs.** Whenever possible retention or restoration of original pre-1940 signs is encouraged. For commercial buildings, wall signs, window signs, canopy, and projecting signs attached to the building are encouraged; freestanding signs are discouraged. Sign materials and design and letters appropriate to pre-1940 buildings, such as painted wood and neon are encouraged. Plastic sign faces are discouraged. Signs should not be the dominant feature of a building or site.

Findings: *This guideline is not applicable.*

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

Findings: *This guideline is not applicable.*

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: *This guideline is not applicable.*

12. Parking. Required on-site parking should be located in the rear yard and within original garages, if possible. Original garages should be maintained for vehicle storage and parking and not converted to other uses. Parking areas, providing space for three or more cars, should be screened from adjacent properties; hedges and canopy trees are recommended for screening. Parking areas and driveways should not be placed in the front yard.

Findings: *This guideline is not applicable.*

13. Crime Prevention. Crime prevention elements should be included in the design with specific attention to landscaping, parking areas, walkways, lighting, entries, and visibility. Windows and entries should not be obscured. Parking areas, walkways, and entries should be adequately illuminated for visibility.

Findings: *This guideline is not applicable.*

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

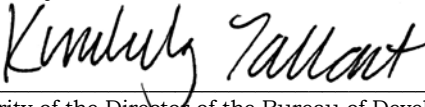
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of one wood replacement window in the kitchen and a new roof for the Albert J. Brugger House, a Contributing resource to the Ladd's Addition Historic District. Other alterations proposed, but exempt from Historic Review per 33.445.320, include three replacement windows in the basement, a skylight, heat pump, new and replaced roof vents, flue removal, and to move the gas meter. Approval per the approved plans, Exhibits C.1 – C.3, signed and dated 12/17/2013, 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 - C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-227845 HR." (NO FIELD CHANGES ALLOWED)

Staff Planner: Jennifer Kenny

Decision rendered by:  **on December 17, 2013**

By authority of the Director of the Bureau of Development Services

Decision mailed December 19, 2013

Procedural Information. The application for this land use review was submitted on November 14, 2013, and was determined to be complete on November 27, 2013.

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 November 14, 2013.

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. Unless further extended by the applicant, **the 120 days will expire on: March 27, 2014.**

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 **December 20, 2013**. 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:

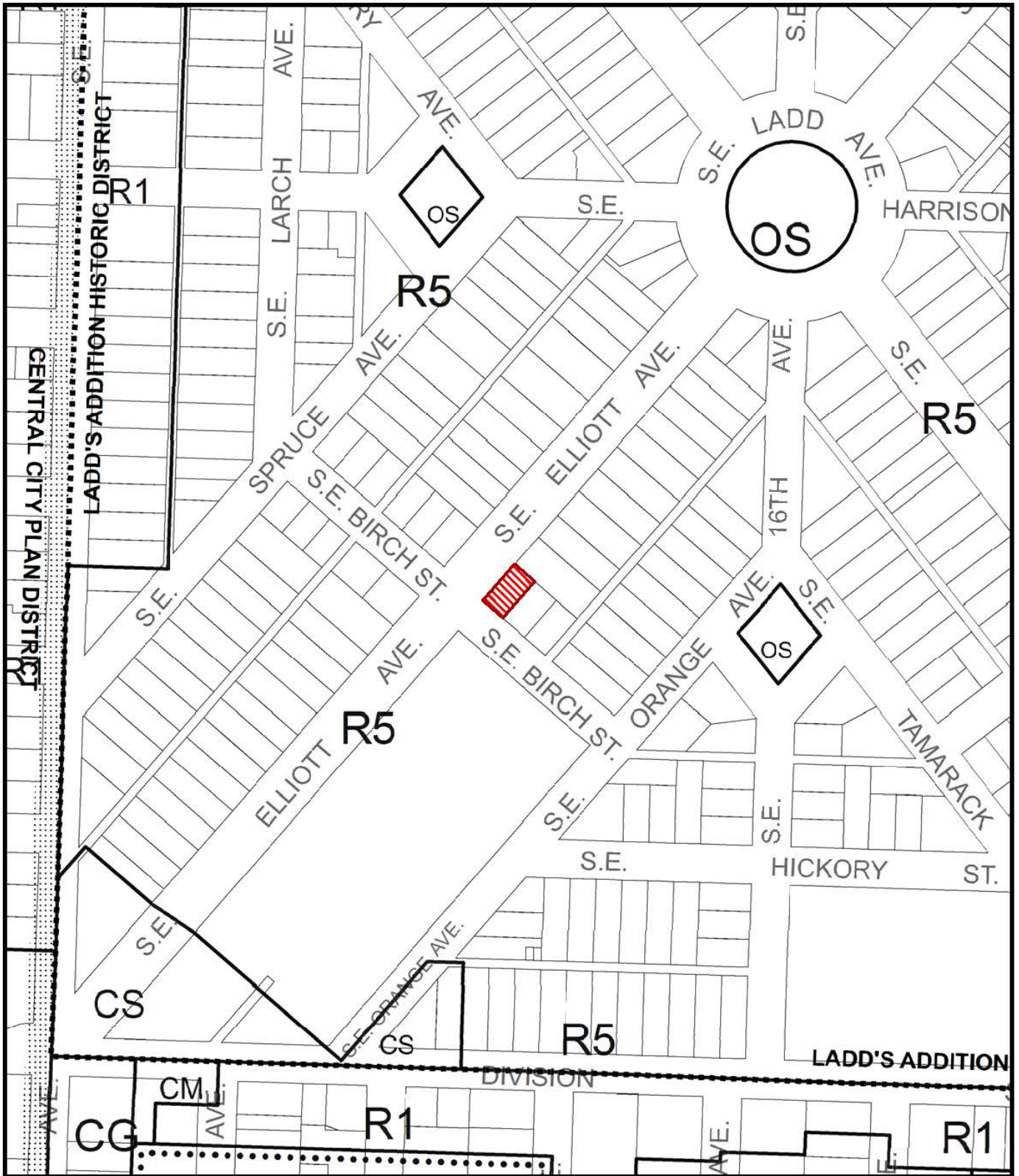
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Narrative
 - 2. Existing photographs
 - 3. For reference: Plans
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
 - 3. Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
NONE RECEIVED
- F. Correspondence:
 - 1. HAND, 12/10/13, General Support
- 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



NORTH

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

File No. LU 13-227845 HR
 1/4 Section 3232
 Scale 1 inch = 200 feet
 State_Id 1S1E02DC 17800
 Exhibit B (Nov 15, 2013)

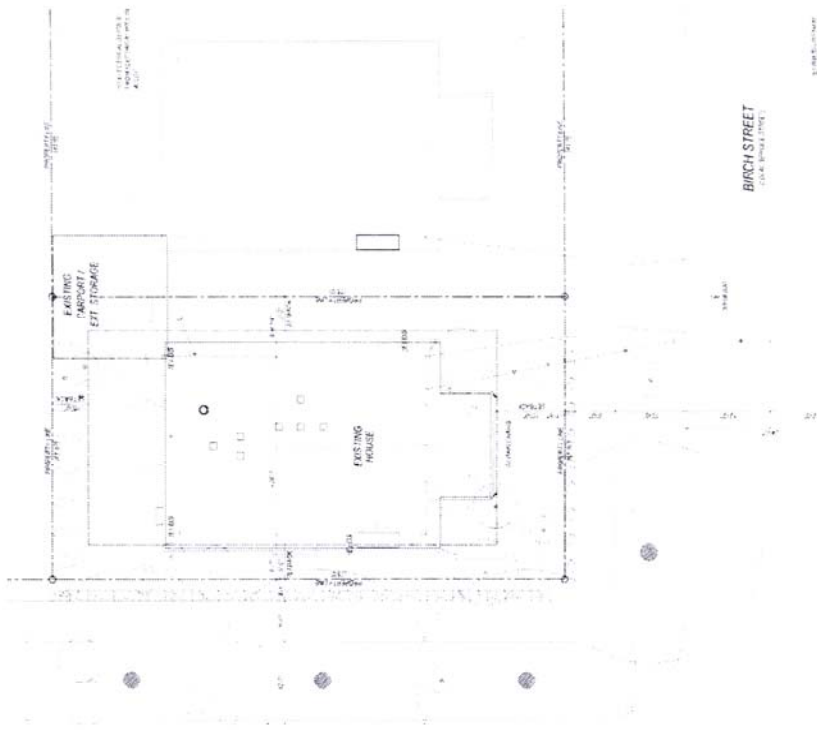
LOT AREA
 TOTAL: 10,125
 IMPROVABLE: 10,125
 UNIMPROVABLE: 0
 TOTAL: 10,125

LEGAL DESCRIPTION
 LOT 10,125
 BLOCK 10,125
 TRACT 10,125
 CITY OF PORTLAND, OREGON

ADDRESS
 10101 BIRCH STREET
 PORTLAND, OREGON 97227

OWNER
 TRANQUILLI RESIDENCE
 10101 BIRCH STREET
 PORTLAND, OREGON 97227

DRAWING INDEX
 A.1 SITE PLAN
 A.2 DEMOLITION PLANS
 A.3 EXISTING PLANS
 A.4 MECHANICAL/ELECTRICAL PLANS
 A.5 BUILDING SECTIONS
 A.6 EXTERIOR ELEVATIONS
 A.7 INTERIOR ELEVATIONS
 A.8 DETAILS



A. SITE PLAN
 A.1 10-1-13

10101 BIRCH STREET, PORTLAND, OREGON 97227 - 10101 BIRCH STREET - 10101 BIRCH STREET - 10101 BIRCH STREET

Approved
 City of Portland
 Bureau of Development Services
 Planner Jennifer Kanny
 Date 12-17-13

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

ELLIOTT STREET

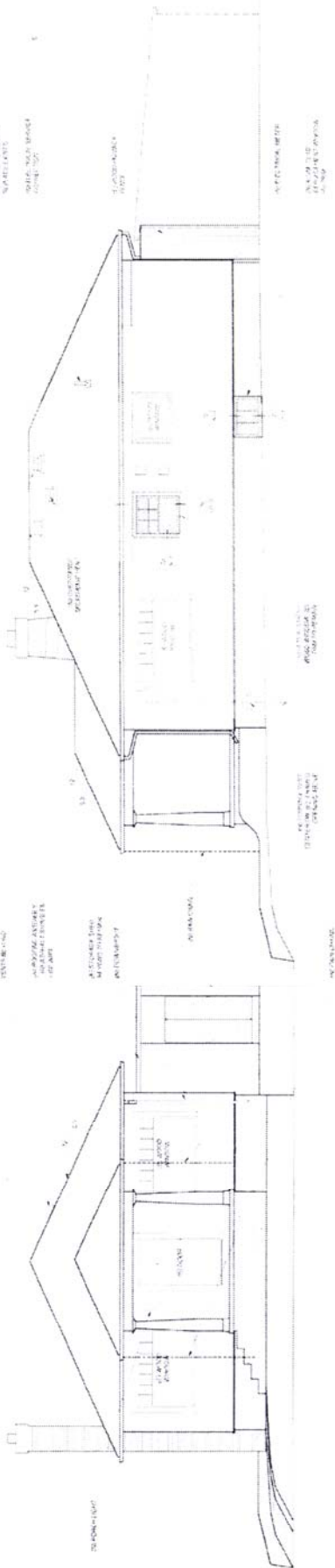
LN 13-227845 HR

EXHIBIT C1

A-1

SITE PLANS
 TRANQUILLI RESIDENCE - PORTLAND OR

DATE: 12/17/13
 PROJECT: 13-227845



Approved
City of Portland
Bureau of Development Services
 Planner Jenny Kuny
 Date 12-17-13

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

A-7

EXTERIOR ELEVATIONS
 TRANQUILLI RESIDENCE - PORTLAND OR

LN 13-227845 HR