



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** August 6, 2014  
**To:** Interested Person  
**From:** Kara Fioravanti, Land Use Services  
503-823-5892 / [Jennifer.Kenny@portlandoregon.gov](mailto:Jennifer.Kenny@portlandoregon.gov)

## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has a **approved** 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. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 14-168294 HR WINDOW REPLACEMENT**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Lawrence M Wallack & Linda Nettekoven,  
2018 SE Ladd Ave  
Portland, OR 97214-5419

**Site Address:** 2018 SE LADD AVENUE

**Legal Description:** BLOCK 25 LOT 26, LADDS ADDITION  
**Tax Account No.:** R463305770  
**State ID No.:** 1S1E02DC 04700  
**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 Bob Kellett at 503-232-0010.  
**Plan District:** None  
**Other Designations:** Contributing property in Ladd's Historic District  
**Zoning:** R5, a single-dwelling zone  
**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 is seeking Historic Resource Review approval for a proposal to replace a non-historic window at the southeast elevation with a wood, tripartite window (size, 80 inches by 42 inches) with sashes and sill to match the historic windows elsewhere on the building. Historic Resource Review approval is required for non-exempt alterations in the historic district.

**Relevant Approval Criteria:**

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

- Ladd's Addition Conservation District Guidelines

**ANALYSIS**

**Site and Vicinity:** The site is located within the Ladd's Addition Historic District. Ladd's Addition is Portland's oldest planned community (1891) and one of the oldest in the western United States. Ladd's radial street plan marked a dramatic break in Portland's typical grid street pattern. With a formal symmetry echoing Renaissance cities and gardens, the radial streets converge at five formal gardens, which are showpieces of the Ladd's Addition community. The street plan is arranged in a hierarchy of street types that range from two broad central boulevards (SE Ladd Ave. and SE Elliott) to narrower minor streets and service alleys, all with a central focus on SE Ladd Circle. Historic development in the District occurred between approximately 1891 and 1930.

**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 that prior land use reviews include the following:

- LUR 97-00091 DZ was a design review regarding exterior alterations at the back of the existing house and addition of a new deck with stairs
- LUR 00-00614 HDZ was a historic design review involving the attic conversion with new dormers
- LU 05-143589 HDZ was a historic design review regarding approval of exterior rear house façade alterations limited to the removal of one door, the addition of one window, moving of existing French Doors, the moving of one window and the addition of a new deck.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **June 30, 2014**. No Bureaus have responded about the proposal.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **June 30, 2014**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

**ZONING CODE APPROVAL CRITERIA****Title 33.846.060.G 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 resource 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.

*The proposed window replacement has been reviewed using the Exterior Rehabilitation Guidelines. 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:** This project is not on a façade oriented to the street (SE Ladd Avenue). The proposed project, the replacement of an existing window with a window of similar size, is on the South East side of the residence and obscured by existing vegetation. 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 applicant has specifically stated that, "Matching horizontal siding will be used to replace or fill in any siding that might be disturbed during the replacement process" further adding, "Moldings/trims surrounding the replacement window will match the rest of the exterior trim". This guideline is met.

**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 project involves the replacement of a non-historic window with a window of similar size (80" x 42"). The proposed window provides improved consistency with the other existing and original windows in terms of aesthetics and function. The outer two windows will be double hung allowing ventilation and the proposed window will "mirror the existing window pattern in the dining room". The proposed window is stated to be a wooden window with the same size moulding and topped with crown moulding above. 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 proposal meets the applicable design guidelines and therefore warrants approval.

## ADMINISTRATIVE DECISION

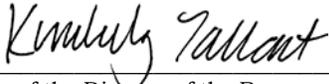
Approval of historic design review for the following exterior alterations to the existing house:

- Replace existing window on south east side of the residence with new wood window, trim and siding to match

Approval per the approved plans, Exhibits C-1 through C-5, signed and dated August 4, 2014, 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.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-168294 HR." No field changes allowed.

**Staff Planner: Kara Fioravanti**

**Decision rendered by:**  **on August 4, 2014.**

By authority of the Director of the Bureau of Development Services

**Decision mailed August 6, 2014.**

**Procedural Information.** The application for this land use review was submitted on June 11, 2014, and was determined to be complete on **June 23, 2014.**

*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 June 11, 2014.

*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: 10/20/2014.**

**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. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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](http://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 **August 6, 2014**. 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:

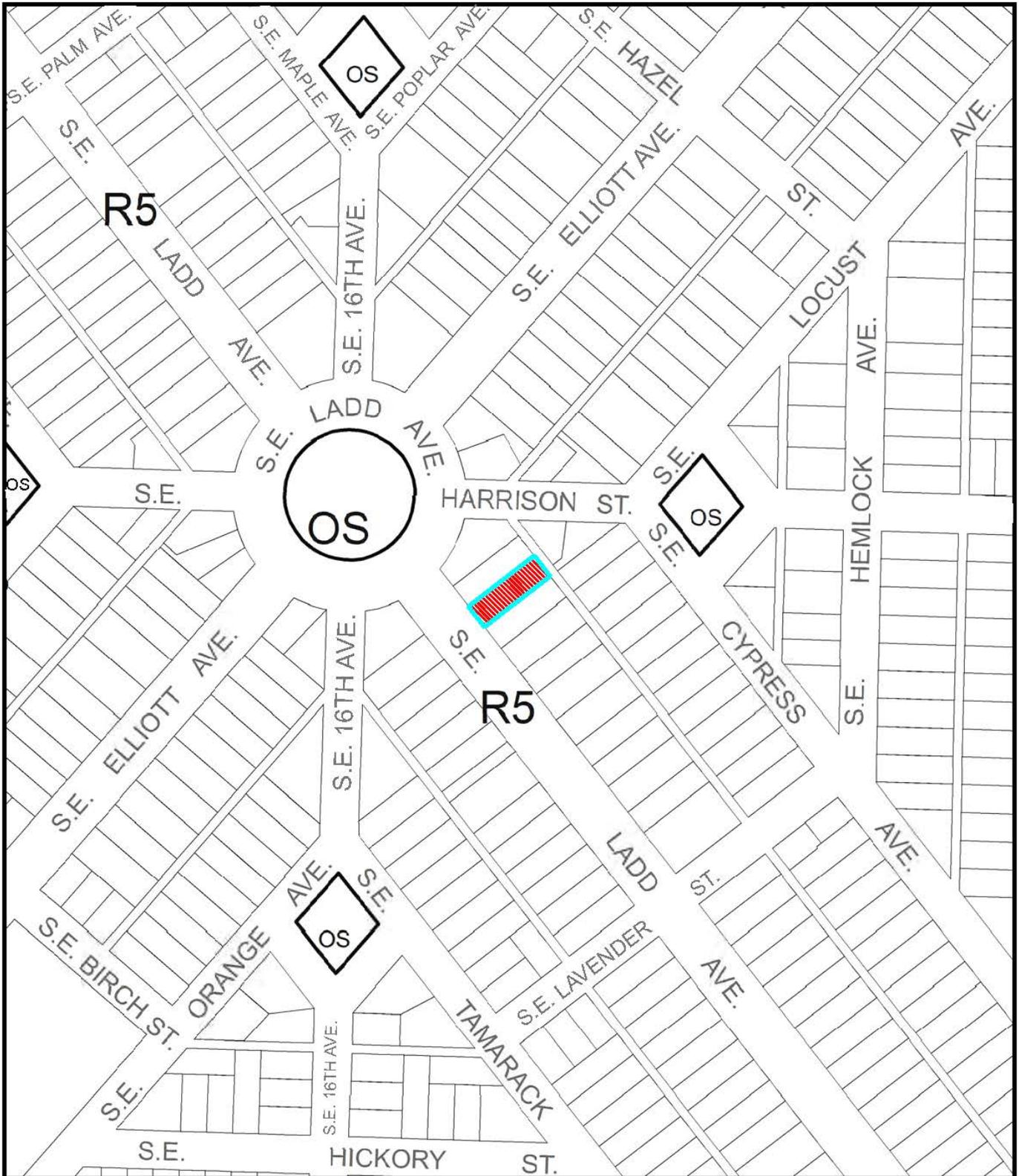
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
  - 1. Original narrative
  - 2. Existing elevations, no changes proposed
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Building SE Elevation (attached)
  - 3. Window Elevation
  - 4. Window Section operable
  - 5. Window Section fixed
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. None received
- F. Correspondence:
  - 1. None received
- G. Other:
  - 1. Original LU Application
  - 2. Photo of existing conditions

**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

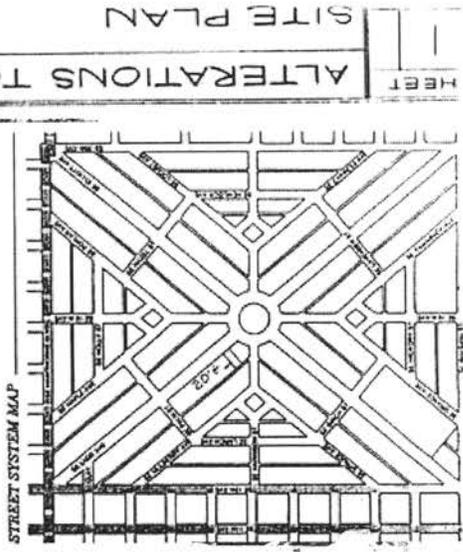
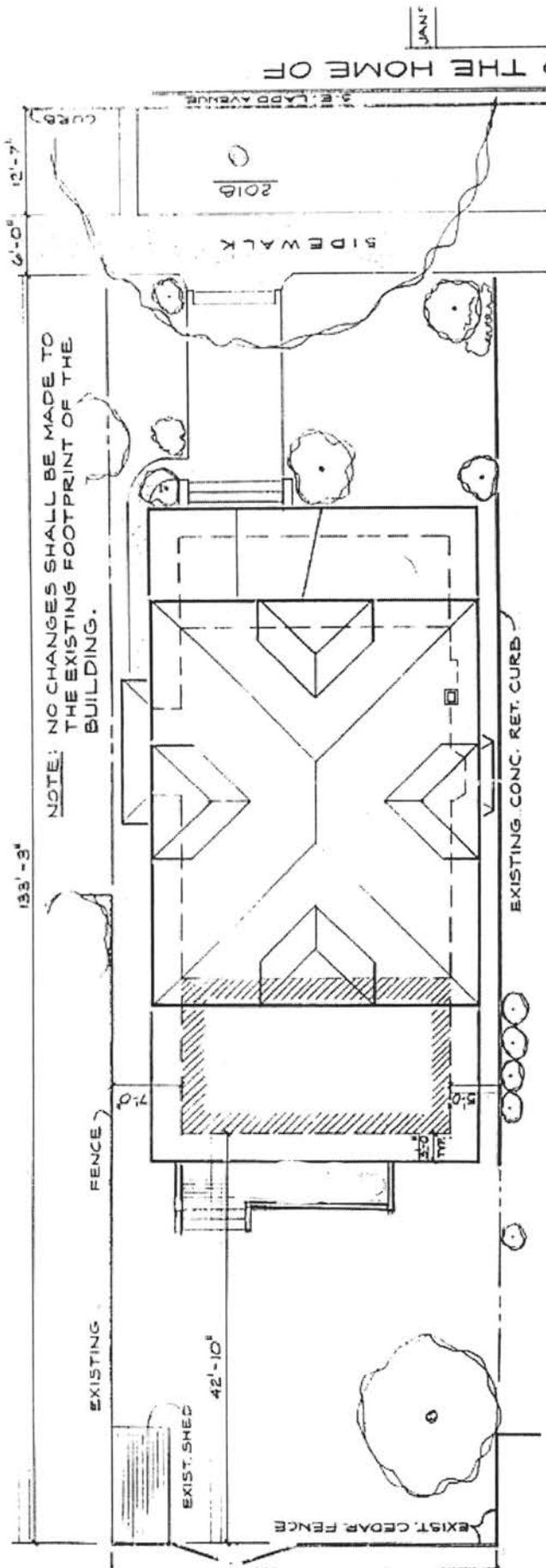


Historic Landmark



This site lies within the:  
**CENTRAL CITY PLAN DISTRICT**

File No. LU 14-168294 HR  
 1/4 Section 3232  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E02CA 4700  
 Exhibit B (June 13, 2014)



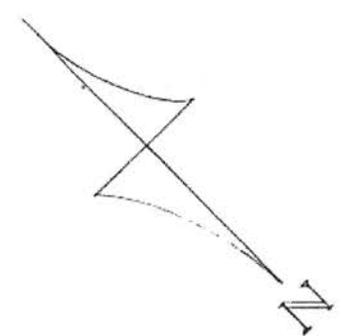
**SITE PLAN**  
 1" = 10'-0"

LOT 24, BLOCK 25, LADD'S ADDITION

\*Approved\*  
 City of Portland  
 Bureau of Development Services

Planner D. M. 8/24/14  
 Date

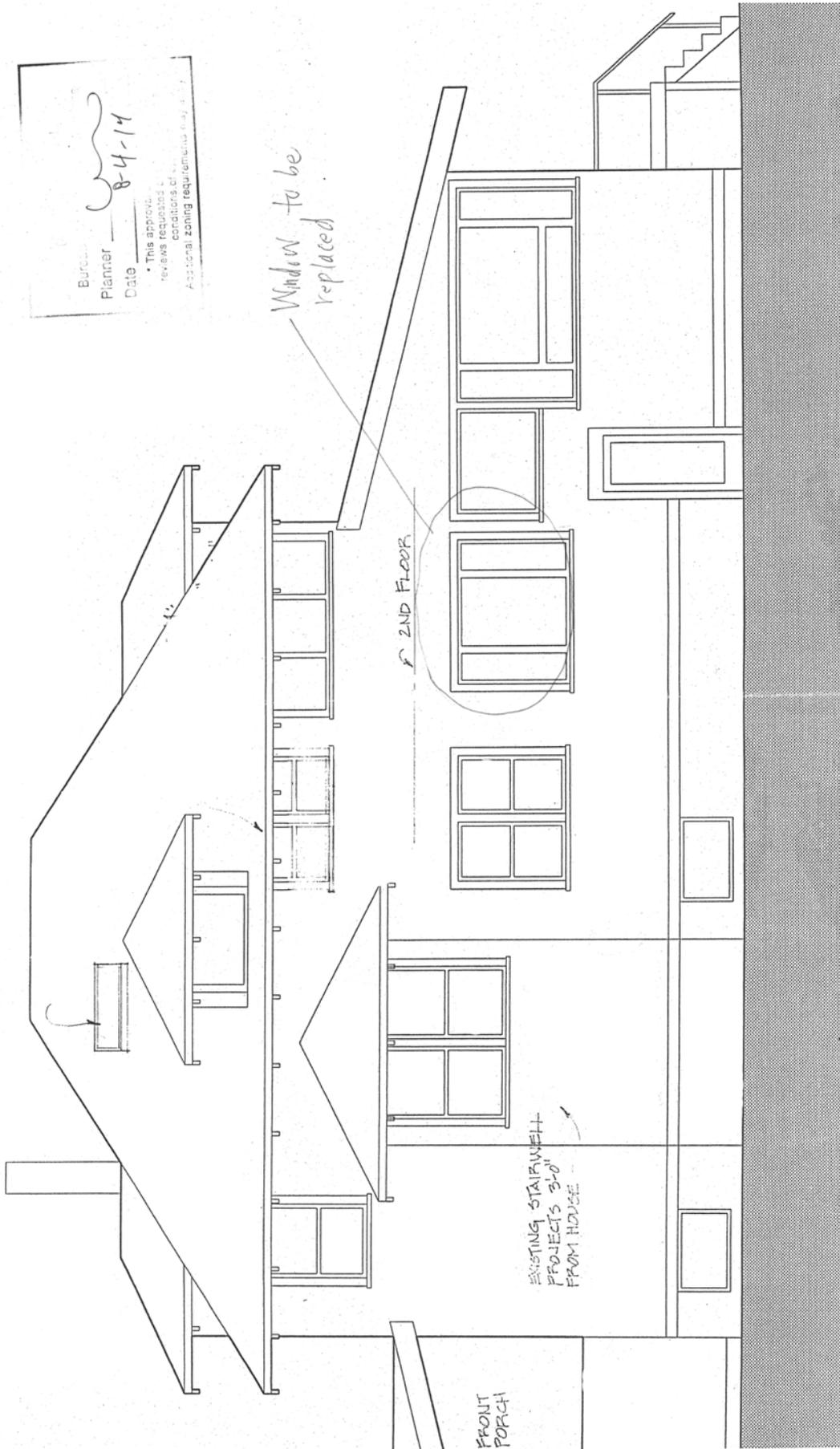
\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
 Additional zoning requirements may apply.



REVISED BY J.H.  
 2 MAR 97

EXHIBIT C-1  
 LU 14-168294 HR

Bureau  
 Planner —  
 Date 8-4-14  
 • This approval reviews requested conditions of Additional zoning requirements (if any).



NETTEKOVEN / WALLACK  
 2018 SE LADD

(S6) RIGHT SIDE ELEVATION  
 1/4" = 1'-0"

EXHIBIT C-2  
 LU 14-168294HR