



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: June 03, 2016
To: Interested Person
From: Arthur Graves, Land Use Services
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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 mailed copy of this document is only a summary of the decision. 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 16-107210 HR: PROPOSED ACCESSORY DWELLING UNIT (ADU)

GENERAL INFORMATION

Applicant: David Spitzer | DMS Architects | 503.335.9040
2325 NE 19th Avenue | Portland OR 97212

Owner: Concetta Branson and Joseph Murphy
2305 SE 20th Avenue | Portland, OR 97214

Site Address: 2305 SE 20th Avenue

Legal Description: BLOCK 28 NWLY 40' OF LOT 6, LADDS ADD
Tax Account No.: R463306310
State ID No.: 1S1E02DD 19700
Quarter Section: 3232
Neighborhood: Hosford-Abernethy, contact Michael Wietecki at mjwietecki@gmail.com
Business District: Division-Clinton Business Association, contact Darice Robinson at 503-233-1888.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Plan District: None
Other Designations: Noncontributing resource in the Ladd's Addition Historic District, listed in the National Register of Historic Places on August 31, 1988.

Zoning: R5: Residential 5,000 with Historic Resource Protection overlay
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 Resource Review approval for the addition of an accessory dwelling unit (ADU) to the back of the site, adjacent to the existing alley. The proposed ADU will be 24 feet in length and 18 feet–six inches in width. It will be approximately 17 feet in height (to the roof peak of the southwest elevation), from grade to top of roof, at the alley elevation. Features such as roof pitch, siding, trim, and windows will be consistent with those same features found on the noncontributing house in the Ladd's Addition Historic District.

Historic resource review is required for exterior alterations to contributing structures such as this one in the Ladd's Addition Historic District.

Relevant Approval Criteria:

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

- Ladd's Addition Conservation District Guidelines

ANALYSIS

Site and Vicinity:

The subject property consists of an existing one and a half story, Bungalow-Colonial Influence Style, residence and garage, both of which are non-contributing. The house, historically known as the Frank and Beryl VanBuren House, was built in 1924; the garage was built in 1930 at the rear of the property, adjacent to the existing alley.

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.

Regarding area amenities within a quarter-mile (roughly a five-minute walk) from the site, there are numerous restaurants, cafes and shops within this range. The site is located north of SE Division Street providing easy walking access to a New Seasons, Suchi Mazi and Double Barrel to name only a few of the venues. Open space amenities can be found in the Ladd's Rose Gardens Circle and Square as well as the nearby Abernethy Elementary School.

Transportation amenities adjacent to the site include a number of options. The #04 bus line (on SE Division Street) and the #10 bus line (on SE Ladd Avenue) both provide peak hour service at or better than every twenty minutes. SE 20th Street, SE Ladd Ave. and SE Division Street are also designated as City Walkways. SE Ladd Ave is designated as a City Bikeway.

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 there are no prior land use reviews for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **April 18, 2016**.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 18, 2016**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

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 requiring a new foundation. Therefore Historic Resource Review approval is required. The approval criteria are the *Ladd's Addition Conservation District Design Guidelines – New Construction*.

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

Ladd's Addition Conservation District Guidelines - New Construction

1. Siting. All new buildings should face the street. Commercial buildings should be pedestrian oriented and have a zero front yard setback. All other buildings should maintain the historical front yard setback on the block, usually fifteen to twenty feet. The original topography and grade of building sites should be maintained.

Findings: The proposed accessory dwelling unit (ADU) will be in the same location and have the same footprint as the existing 1930 noncontributing garage that is being removed. The proposed structure will be located immediately adjacent to the existing alley at the rear of the property. In addition, the proposed ADU will not be visible from SE 20th Avenue to the northeast, which is the street that the primary resource fronts. The topography and grade of the building site will not be altered. *This guideline is met.*

2. Landscaping. On the site of non-commercial structures, the retention of front lawns and mature trees is encouraged. The predominant use of ground covers, such as bark mulch and broadleaf evergreens, is discouraged. Plants popular in the 1910's and 1920's are encouraged.

Findings: The proposed ADU addition will not impact the front lawn or landscape areas in front of the primary residence. Existing landscape that will be impacted on the site includes the area to the immediate northwest of the proposed ADU, which will be developed into a hardscape patio amenity for the ADU. *This guideline is met.*

3. 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 the building lines, as viewed from the street.

Findings: All proposed alterations and construction will take place in the rear of the lot and not in the front yard of the primary noncontributing resource. The street facing façade of the primary building on site will not be impacted. *This guideline is met.*

4. Parking. Parking areas and driveways are discouraged in the front yard. Required on-site parking should be located in the rear yard or beneath new construction. Parking areas, providing space for three or more cars, should be screened from adjacent properties: hedges and canopy trees are recommended as screens. No lot within the district should be converted solely for parking use.

Findings: Parking is not required or provided on the site because the site is well served by transit. Specifically, the site is within 500 feet of both the #10 bus line (which runs on SE Ladd Avenue) and the #04 bus line (which runs down SE Division Street). Both the #10 and the #04 have 20-minute peak hour service. Per Portland Zoning Code (PZC) 33.266.110.D.1, no parking is required. *This guideline is met.*

8. Exterior Siding Materials. Materials used on new buildings should be consistent with predominant materials used on buildings of a similar use within the district. On single family residences and duplexes: stucco, horizontal wood siding, wood shingles, brick, or a combination of these materials. On commercial and multi-family residences: stucco and brick. The following materials are discouraged: plywood, used brick, shakes, exposed concrete block and metal.

Findings: The existing siding on the primary non-contributing resource is asbestos lap with 10 inch reveals. The proposed siding for the new ADU will match the 5 inch lap siding which is underneath the asbestos siding and believed to be original to the primary resource. Specifically, the ADU will install 5 inch cedar lap siding consistent with the 1924 residence (see Exhibit A-3). *This guideline is met.*

9. Roof Form. Non-commercial buildings should have gable or hip roofs with medium to steep pitch. Dormers and gable roof projections are encouraged. Commercial buildings should have flat roofs with parapets or false fronts. Detailing of the parapets with cornices and stepping is encouraged.

Findings: The roof form and pitch of the ADU addition will match the existing roof pitch of the 1924 Bungalow Style noncontributing resource. *This guideline is met.*

12. Front Façade Detailing. Primary entrances to buildings should be oriented to the street rather than to a rear yard or interior side yard. Front porches and projecting features such as balconies, bays and dormer windows are encouraged. Blank façades with no windows are discouraged.

Findings: All façades on the proposed ADU include windows. The ADU is behind the primary resource, abutting an alley, and so is not street facing. As this is a secondary structure on the site the primary entrance to the ADU is facing the proposed patio to the northwest, immediately adjacent to the ADU. This entry location will have minimal effect on the character of the alley while providing a clear entry to the accessory structure that does not conflict with the primary resource. *This guideline is met.*

13. Windows and Doors. Window sashes and doors should be wood frame and detailed with wood trim. For commercial buildings, storefront windows with large fixed panes below and smaller frames above are encouraged. For other buildings, vertical, double-hung windows, as well as groups of vertical windows which may be horizontal in overall expression, are encouraged.

Findings: The proposed windows are double-hung aluminum clad-wood and are consistent in size and scale with those on the primary noncontributing resource. Windows in the proposed ADU will be installed within the wall depth matching those in the primary resource on the site. An aluminum clad-wood door is proposed for the ADU.

With the condition of approval that all of the proposed windows and doors for the ADU shall be aluminum clad-wood. This guideline is met.

15. Color. Earth tones and muted colors which are derived from natural materials, such as stone, brick and soil are encouraged. Use of bright colors is discouraged.

Findings: The color of the proposed ADU is to remain a muted earth tone compatible with the contributing house and greater Ladd's Addition Historic District. *This guideline is met.*

17. 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: Although the proposed ADU will be immediately adjacent to the existing alley the entry will be located within the site, off the side of the ADU. This will allow for clear visibility of the ADU from the primary 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 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 an accessory dwelling unit (ADU) to the rear (southwest) of the site, adjacent to the existing alley in the Ladd's Addition Historic District.

Approval per the approved site plans, Exhibits C-1 through C-6, signed and dated Friday, May 27, 2016., subject to the following conditions:

A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 16-107210 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. All windows and doors shall be aluminum-clad wood.

C. No field changes allowed.

Staff Planner: Arthur Graves

Decision rendered by:  **on Friday, May 27, 2016.**

By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) Friday, June 03, 2016.

Procedural Information. The application for this land use review was submitted on January 19, 2016, and was determined to be complete on April 13, 2016.

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 January 19, 2016.

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: Thursday, August 11, 2016.**

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.

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 **Friday, June 03, 2016.**

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 503-823-7617.

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:

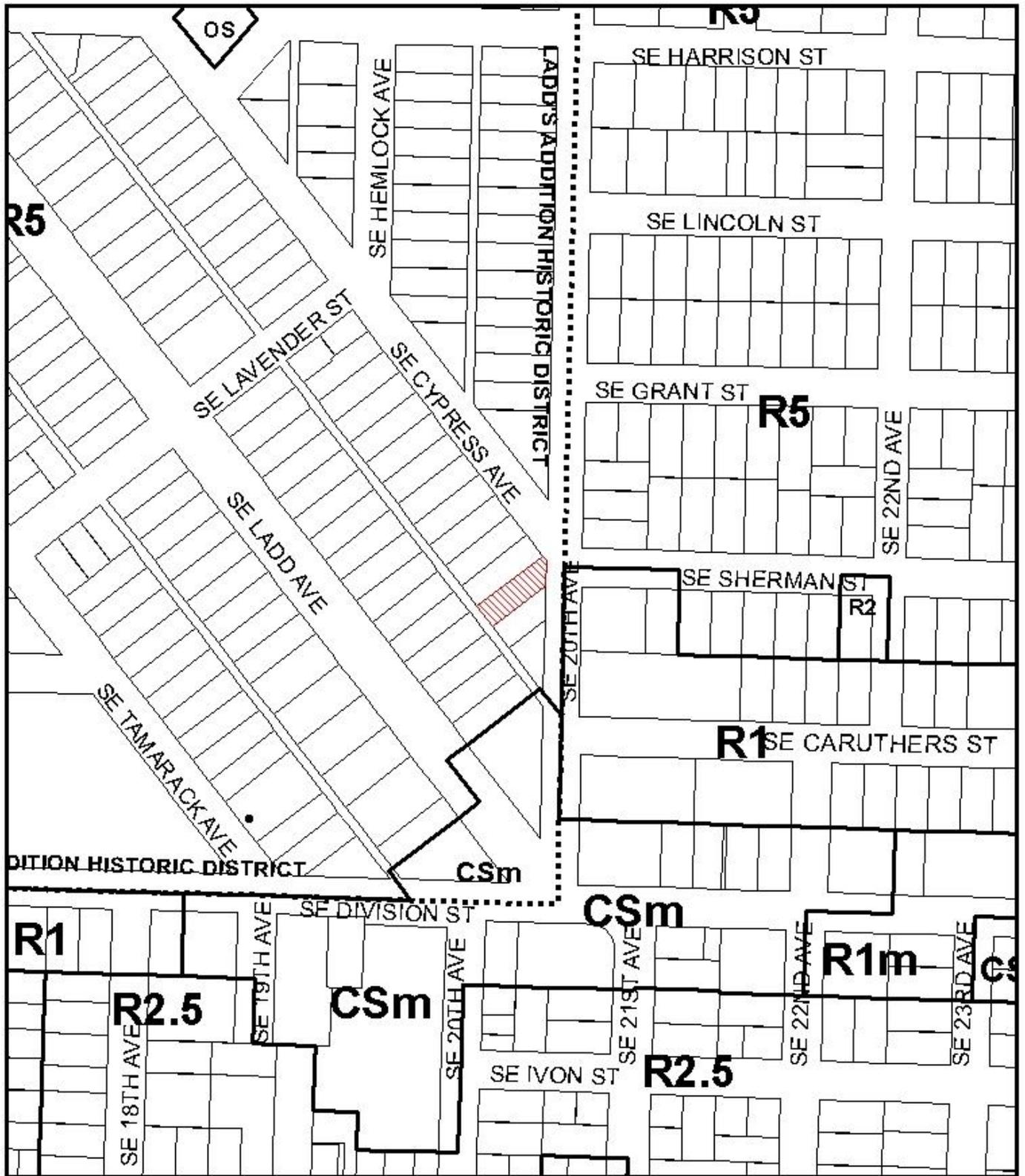
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 1. Applicant's Statement
 2. Early Submittal: Includes Solar Panels on ADU and House
 3. Email and Photos regarding: Asbestos Siding on Noncontributing Resource
 4. Email and Signed Plan regarding: Accurate Building Coverage for the site.
 5. Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan
 2. Site Plan and Primary Resource Elevations (attached)
 3. Elevations and Sections: ADU (attached)
 4. Elevations: Existing Noncontributing Resource
 5. Details: Windows and Door
 6. Manufactures cutsheets: Aluminum-clad wood windows and doors
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No responses were received.
- G. Other:
 1. Original LU Application
 2. Site Photos: House and Existing Garage (Both Noncontributing)
 3. Site Photos: Neighbors Existing Garage (Both Contributing)
 4. Historic Information
 5. Historic Info. Sheet
 6. Incomplete Letter: February 17, 2016.

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)



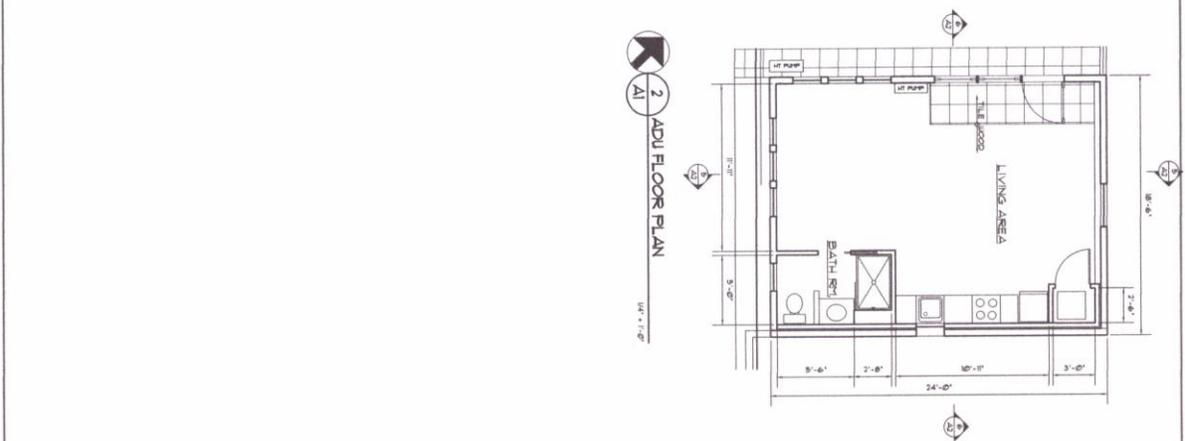
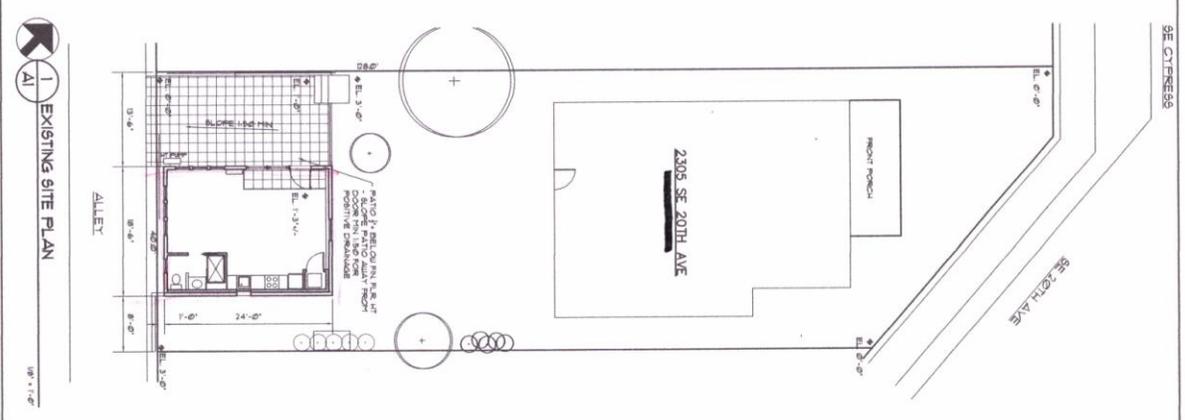
ZONING

- Site
- Historic Landmark



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

File No.	<u>LU 16-107210 HR</u>
1/4 Section	<u>3232</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E02DD 19700</u>
Exhibit	<u>B (Jan 25, 2016)</u>



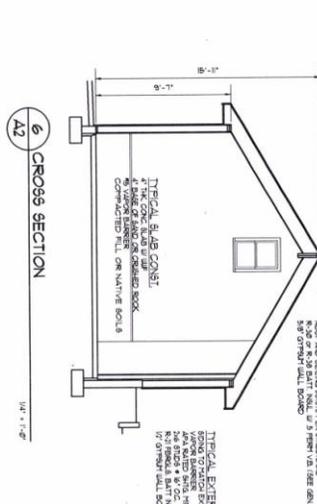
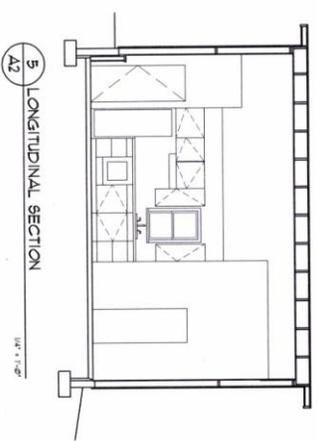
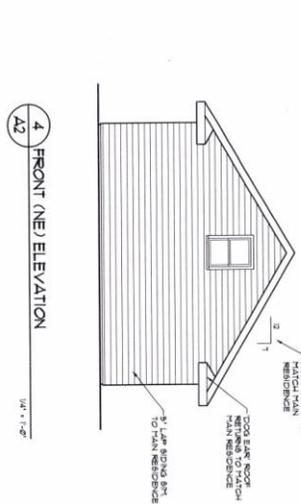
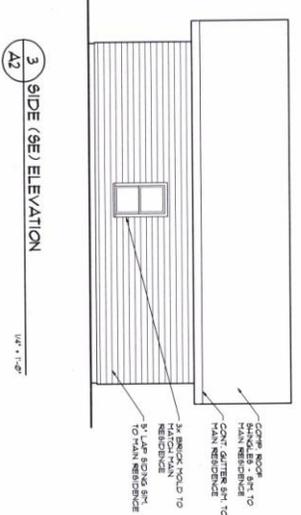
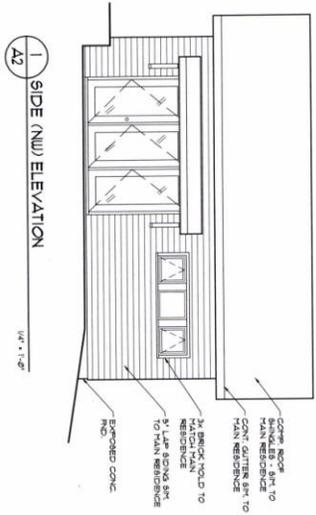
Approved
 City of Portland
 Bureau of Development Services
 Planner _____
 Date 5.21.16

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

SHEET A1 of 2	DATE 1-6-16	DRAWN DMS	CHECKED DMS	JOB NO. 000016	SHEET CONTENT SITE PLAN ADU FLOOR PLAN EXISTING HOUSE ELEVATIONS	MURPHY-BRANSON ADU 2305 SE 20TH AVE PORTLAND, OREGON	2325 NE 17TH AVE. PORTLAND, OR 97218 OFFICE 503 238 9040 DAVE@DMLARCHITECTS.COM		

Approved
City of Portland
 Bureau of Development Services
 Planner _____
 Date 5.21.16

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



EXH C-3
 16-107210 HP

SHEET A2#2	DATE 1-6-16	SHEET CONTENT EXTERIOR ELEVATIONS SECTIONS	MURPHY-BRANSON ADU 2305 SE 20TH AVE PORTLAND, OREGON	2325 NE 10TH AVE PORTLAND, OR 97212	REGISTERED ARCHITECT DAVID BRITTON OREGON STATE OF OREGON
	DATE 1-6-16				