



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

FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** September 13, 2016  
**To:** Interested Person  
**From:** Mike Gushard, Land Use Services  
503-823-5091 / [Mike.Gushard@portlandoregon.gov](mailto:Mike.Gushard@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 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 16-176272 HR – NEW WINDOWS AND SKYLIGHTS AT ABERNETHY SCHOOL**

**GENERAL INFORMATION**

**Applicant:** Doug Pruitt,  
BBL Architects  
400 Columbia Street Suit 150  
Vancouver , WA 98660  
  
School District No 1  
Po Box 3107  
Portland Public Schools  
Portland, OR 97208-3107

**Representative:** Nicholas R Sukkan,  
501 N Dixon Ave  
Portland, OR 97227

**Site Address:** 2421 SE ORANGE AVE

**Legal Description:** BLOCK 4 INC VAC ALLEY ADJ NELY 20' OF LOT 4&5 INC VAC ALLEY  
ADJ LOT 6-35, LADDS ADD

**Tax Account No.:** R463300680  
**State ID No.:** 1S1E02CD 07900  
**Quarter Section:** 3231

**Neighborhood:** Hosford-Abernethy, contact Michael Wietecki at [mjwietecki@gmail.com](mailto:mjwietecki@gmail.com)  
**Business District:** Division-Clinton Business Association, contact at 503-706-3730.  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.

**Zoning:** R5- Residential 5,000 – Single Dwelling Zone

**Case Type:** HR – Historic Resource Review

**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**Proposal:**

The applicant proposes to remove existing fiberglass dome skylights and install new aluminum and glass skylights, replace roof ladders and replace 5 windows at the rear second-story behind the chimney. The installation of the new windows will reuse brick at the jambs. New windows will be slightly smaller in height. This project requires historic resource review because the Abernethy School is contributing resource in the Ladd's Addition 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 Historic Guidelines

## ANALYSIS

**Site and Vicinity:** The Abernethy Elementary School is located on a 3.7 acre campus that consists of a two story buildings and an attached one story classroom wing. It is located in the primarily single-family dwelling Ladd's Addition Historic District. It was constructed in 1924 and blends the classical revival style with terracotta ornamentation. The primary mass of the building is E shaped. The main trunk of the center volume of the E is a gymnasium that is currently topped with non-historic bubble skylights. To the rear of the school is an asphalt school yard. It is listed as a contributing resource in the Ladd's Addition historic district and is significant for its social history as well as its design.

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 Street at the district's northern edge, SE 12<sup>th</sup> Street at the district's western edge, and SE Division Street at the south edge. 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 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.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **August 1, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau

- Fire Bureau
- Site Development Section of BDS
- Bureau of Transportation Engineering

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on August 1, 2016. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Joanne Stainbrook, HAND Historic Resources Subcommittee, August 22, 2016 changes are not visible from most angles and will not impact overall integrity. Would prefer windows that appeared more historic

*Staff Response: Windows are replacing non-historic windows in a low-visibility location.*

## **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**

**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.

**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.

**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.

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

**Findings** for 3, 4, 6 and 8:

The project preserves the overall form and integrity of this historic school building. The exterior brick proposed for removal will be replaced in-kind preserving the color, look and feel of the areas around each window. The roof form will remain flat despite the alterations to the skylights. The new skylights replace contemporary plastic skylights with more glass units that are more in keeping with the historic character of the building. Non-historic windows will be replaced with similarly scaled windows that match the color and styling of the windows that currently exist. The windows that are proposed for replacement are minor elements on the rear of a very large scale facade. *Therefore these criteria are 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. The exterior changes proposed by this project are minimal and do not affect historic features of the building. This proposal meets the applicable Historic Resource Review criteria and *therefore warrants approval.*

### ADMINISTRATIVE DECISION

Approval of replacement of non-historic windows and skylights per the approved site plans, Exhibits C-1 through C-6, signed and dated August 31, 2016, subject to the following conditions:

- 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.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-176272 HR. No field changes allowed."

**Staff Planner: Mike Gushard**



**Decision rendered by:** \_\_\_\_\_ **on September 8, 2016**

By authority of the Director of the Bureau of Development Services

**Decision mailed: September 13, 2016**

**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 May 23, 2016, and was determined to be complete on July 20, 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 July 25, 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: November 22, 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.

**Appealing this decision.** This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on September 27, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> Avenue Monday through Friday between 8:00 am and 4:30 pm. **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](http://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 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 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 **September 28<sup>th</sup>, 2016**
- 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. Existing Elevations
3. Proposed Elevation and window details
4. Parapet and flashing details
5. Parapet, coping details
6. Proposed Skylight details

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Bureau of Parks, Forestry Division

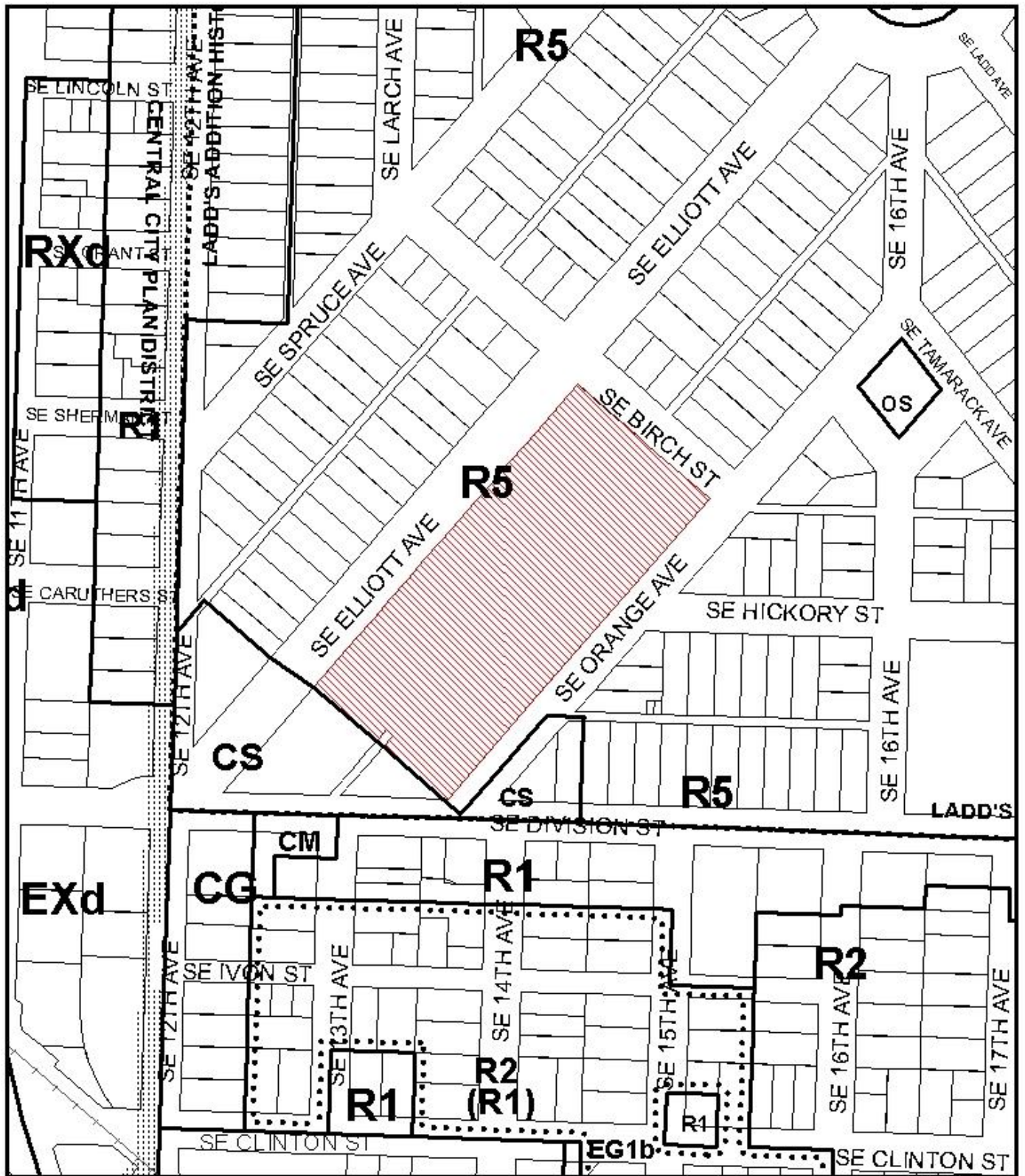
F. Correspondence:

1. Joanne Stainbrook, HAND Historic Resources Subcommittee, August 22, 2016 changes are not visible from most angles and will not impact overall integrity. Would prefer windows that appeared more historic


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

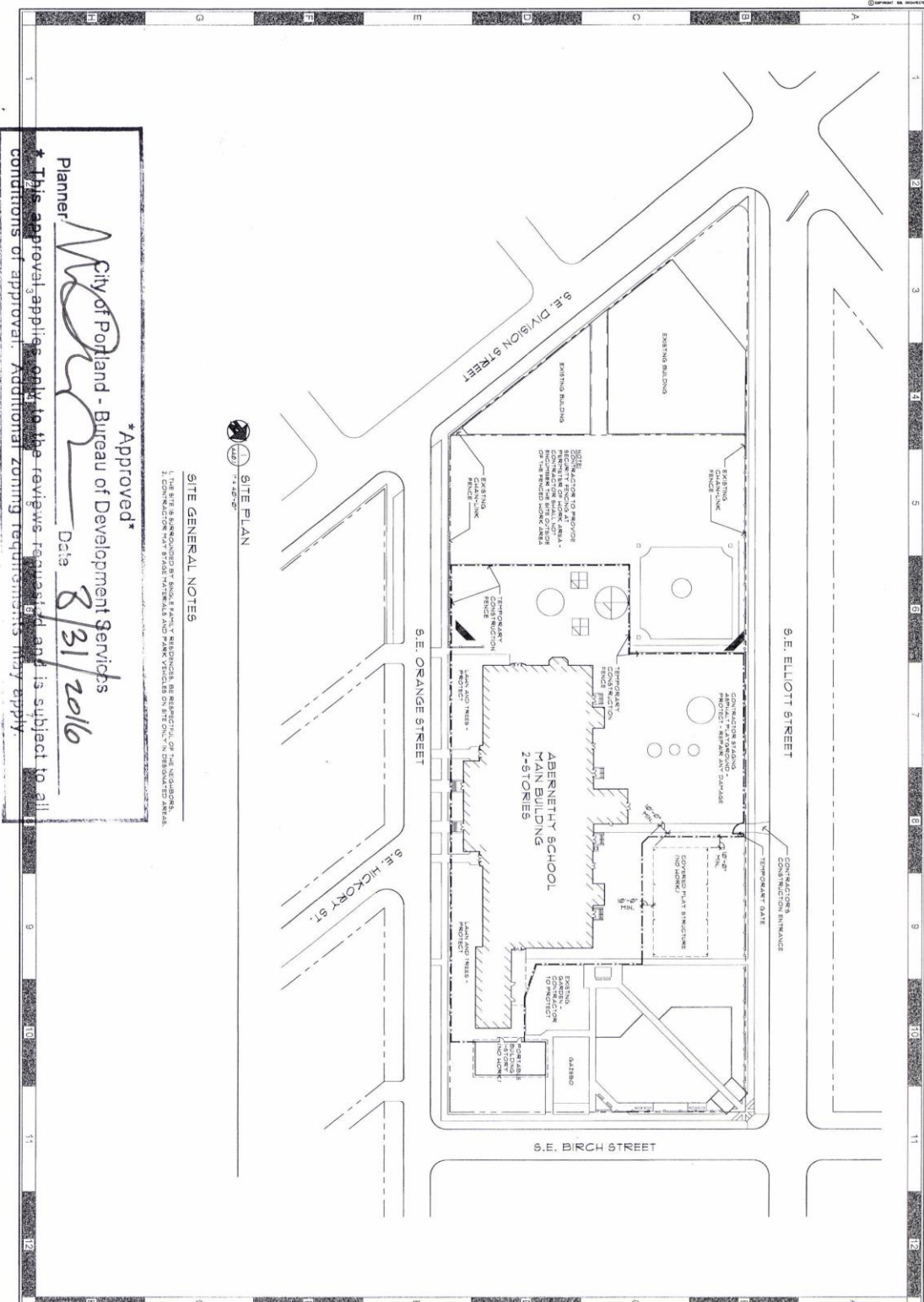
This site lies within the:  
LADD'S ADDITION HISTORIC DISTRICT



File No.	LU 16-176272 HR
1/4 Section	3231 3232
Scale	1 inch = 200 feet
State_Id	1S1E02CD 7900
Exhibit	B (May 24, 2016)



WL16-176272HR



**SITE PLAN**

**SITE GENERAL NOTES**

- 1. THE SITE IS BOUNDARIED BY SINGLE-FAMILY RESIDENCES, IN RESPECT OF THE NEIGHBORS.
- 2. CONSTRUCTION SHALL BE CONFINED TO THE DESIGNATED AREAS.

**\* Approved \***  
 City of Portland - Bureau of Development Services  
 Date: 8/31/2016  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

C1

			PORTLAND PUBLIC SCHOOLS ABERNETHY SCHOOL IMPROVEMENTS 2016 2421 S.E. ORANGE AVENUE, PORTLAND, OREGON 97214	
			DRAWN BY REVISIONS BY REVIEWED	DATE: 8/31/2016 SHEET NUMBER A40.1 BID SET