



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** October 6, 2016  
**To:** Interested Person  
**From:** Puja Bhutani, Land Use Services  
503-823-7226 / [Puja.Bhutani@portlandoregon.gov](mailto:Puja.Bhutani@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 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 16-168223 HR – NEW GARAGE AND ACCESSORY DWELLING UNIT**

### **GENERAL INFORMATION**

**Applicant:** Ian Burgess, Applicant / Design Build Portland  
1333 NE 47th Ave  
Portland, OR 97213

Charles Jr Garver & Suda Garver, Owners  
PO Box 1793  
Portland, OR 97207-1793

**Site Address:** 1963 SE LOCUST AVE  
**Legal Description:** BLOCK 24 LOT 16, LADDS ADD  
**Tax Account No.:** R463305310  
**State ID No.:** 1S1E02DB 05400  
**Quarter Section:** 3232

**Neighborhood:** Hosford-Abernethy, contact Michael Wietecki at [mjwietecki@gmail.com](mailto:mjwietecki@gmail.com)  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.  
**Other Designations:** Non Contributing Resource in the Ladd's Addition Historic District

**Zoning:** R5 None, Residential 5000  
**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 proposal is to demolish an existing non-contributing garage in the rear yard and replace it with a 492 SF accessory dwelling unit (ADU) and a 276 SF attached garage. The ADU and garage will be accessed from the rear alley. The total height of the new single story structure is proposed at 11'-9". The proposed materials include painted wood shake siding with a 14 inch reveal, composite shingle roofing, double-hung, six-over-one, wood windows and two

paneled, three-lite wood doors. A carriage style metal garage door, that is pre-painted and with a wood composite overlay is also proposed. Traditional outdoor sconce lighting fixtures, including a motion sensor light is also proposed. Exterior colors will be earth tones and muted.

**Relevant Approval Criteria:**

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

- 33.846 Historic Resource Review
- Ladd’s Addition Conservation District Guidelines

Historic Resource Review is required because the proposal is for non-exempt exterior alteration and new construction on a contributing resource in an historic district.

## ANALYSIS

**Site and Vicinity:** The subject lot is approximately 5000 sqft and fronts on to S.E Locust Avenue. The existing one-story residence was constructed in 1957, and is a non contributing resource in the Ladd’s Historic District. It is defined by a large gable roof with eave returns, and a smaller secondary gable over a front porch. The materials include a concrete foundation, 14 inch painted raked cedar shake siding, and aluminum windows.

The existing flat roofed garage, is also a non contributing resource, and is accessed from the rear SE Locust Avenue – Elliott Avenue alley. This is a fairly typical characteristic in the Ladd’s district, and almost all properties in the district have alley access. The Addition’s unique radial street plan is arranged in a hierarchy from two broad central boulevards, Ladd and Elliott, to narrower minor streets and service alleys, all with a central focus on Ladd Circle. There are very few curb cuts at the streets, since most of the garages are accessed from the alleys. The subject SE Locust Avenue – Elliott Avenue alley is lined by single-story and predominantly gable roofed garages. Most of the garages are relatively large structures that are setback and accessed directly from the alley.

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. 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 R5 zone is a single-dwelling zone allowing development on lots of 5000 sq. feet minimum. Housing types are limited in the single-dwelling zones to maintain the overall image and character of the City’s single-dwelling neighborhoods. However, the regulations allow options to increase housing variety and opportunities, and to promote affordable and energy efficient housing.

The Historic Resource Overlay Zone protects certain historic resources in the region and preserves significant parts of the region’s heritage. The regulations foster pride among the

region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes

**Land Use History:** City records indicate no prior land use reviews.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **September 8, 2016**.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **September 8, 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, 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 design 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 the Ladd's Addition Conservation District Advisory Council, 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.

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

#### Ladd's Addition Conservation District Guidelines - New Construction

**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.

**11. Development Impacts.** All new development should be designed and operated to minimize potential adverse impacts upon surrounding residences and to reduce conflicts with residential uses. Factors to be considered are traffic generation, deliveries, parking, noise, lighting, crime prevention, hours of operation and activity, visual effects and buffering.

**Findings for 4 and 11:** The proposed one-car garage will be located at the rear of the property and will be accessed from the rear alleyway. This is consistent with the pattern of development in the Ladd's historic district, and the functioning and use of the existing alleyway. The Addition's unique radial street plan is arranged in a hierarchy from two broad central boulevards, Ladd and Elliott, to narrower minor streets and service alleys, all with a central focus on Ladd Circle. Most of the garages are typically accessed from the service alleys, similar to this proposal. The

subject SE Locust Avenue – Elliott Avenue alley is lined by single-story and predominantly gable roofed garages. Most of these garages are relatively large structures that are setback and accessed directly from the alley. Therefore, while the proposed gable roofed, one story structure has a relatively large footprint, it will be compatible with the existing development pattern along the alley.

The single car parking space is enclosed and is therefore adequately screened from the neighboring residences. It replaces an existing garage at the rear of the property, and hence will not generate additional traffic or result in adverse impacts for the neighborhood. *These guidelines are 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.

**10. Building Additions.** Building additions should be in keeping with the original architectural character, color, mass, scale, and materials. Additions should be designed to have the least impact upon character-defining features and should be located inconspicuously when viewed from the street.

**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.

**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 for 9, 10, 13 & 15:** The proposal is to demolish an existing flat roofed, non-contributing garage in the rear yard and replace it with a 492 SF accessory dwelling unit (ADU) and a 276 SF attached garage. The total height of the new single story, gable roofed, structure is proposed at 11'-9". The ADU and garage will be accessed from the rear alley and hence will be minimally visible from the street.

The addition has been designed to be compatible with the architectural character of the main residence. It is also designed as a secondary structure on the site and has a smaller footprint and lower height than the main residence. The simple single story structure with a medium pitch gable roof, and a nested secondary gable is similar to the style, scale and massing of the existing residence. The roof of the addition has the same 4-12 pitch and eave return detail as the roof of the primary house. The window proportions and orientations also match that of the main house.

The proposed structure, with a gable roof, will be compatible with the built character of the rear alley. The subject SE Locust Avenue – Elliott Avenue alley is lined by single-story and predominantly gable roofed garages. Most of the garages are relatively large structures that are setback and accessed directly from the alley. The proposed structure also has a gable roof and the garage is similarly setback.

The proposed materials consist of painted wood shake siding with a 14 inch reveal and composite shingle roofing, similar to the main house. Wood double-hung, six-over-one, windows and wood two paneled, three-lite doors are being proposed. A carriage style metal garage door, that is pre-painted and with a wood composite overlay is also proposed. Exterior colors will be earth tones and muted. *These guidelines are 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:** The kitchen and living room windows will face the alleyway, providing more “eyes on the street”. Traditional outdoor sconce lighting fixtures, including a motion sensor light above the garage entrance is being proposed. The rear building setback has been landscaped with a grass planted area that connects to a side patio, which will help further activate the rear frontage. The alley facing windows, residential use, landscaping and lighting will add to the safety of the rear alley. *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

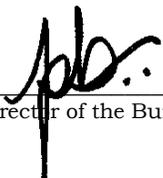
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. The proposed garage and accessory dwelling unit is compatible with the architectural character, color, mass, scale, and materials of the primary residence. It will not cause any adverse development impacts and is consistent with the function and development patterns of existing alleys in Ladd’s Historic District. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of [specific proposal description], per the approved site plans, Exhibits C-1 through C-9, signed and dated September 27, 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.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-168223 HR."

**Staff Planner: Puja Bhutani**

**Decision rendered by:**  on **(September 27, 2016.)**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: October 6, 2016**

**Procedural Information.** The application for this land use review was submitted on May 6, 2016, and was determined to be complete on August 30, 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 May 6, 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. Unless further extended by the applicant, **the 120 days will expire on: December 28, 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](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 **October 6, 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:

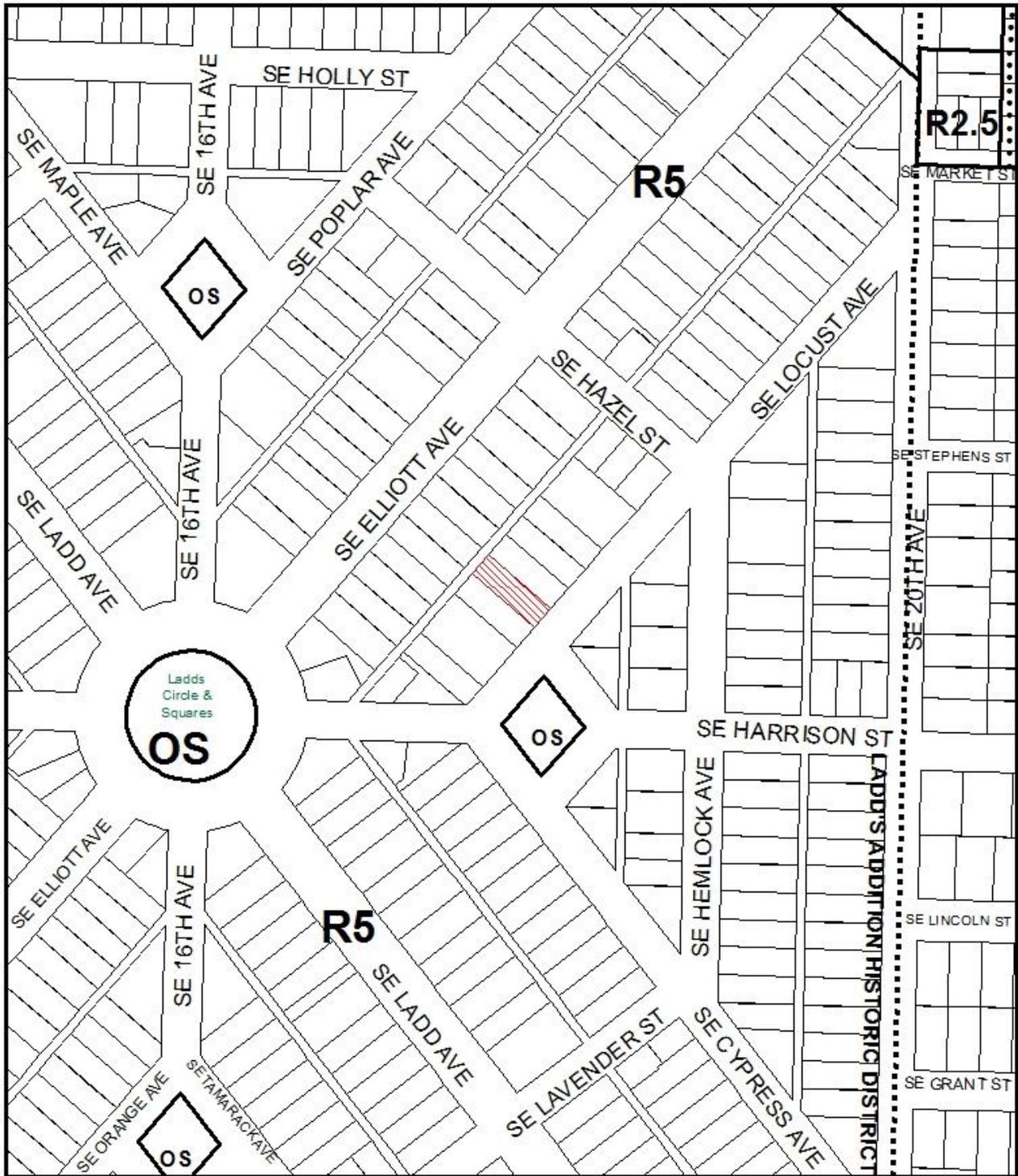
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  1. Original Narrative
  2. Original Drawings ( Not approved, for reference only)
  3. Revised Narrative
  4. Revised Drawings ( Not approved, for reference only)
  5. Second Revised Drawings ( Not approved, for reference only)
  6. Second Revised Narrative
  7. Site photographs
  8. Proposal renderings
  9. Request to hold application incomplete
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Existing Site Plan
  2. Existing House Elevations
  3. Existing House Elevations
  4. Proposed Site Plan (attached)
  5. Proposed Floor Plan
  6. Proposed Elevations (attached)
  7. Building Sections
  8. Door and Window Sections
  9. Manufacturers Cut sheets
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: None received
- G. Other:
  1. Original LU Application
  2. Incomplete letter, send 5/26/2016
  3. Refund request form
  4. Oregon Historic Site Record
  5. Photographs

**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)**



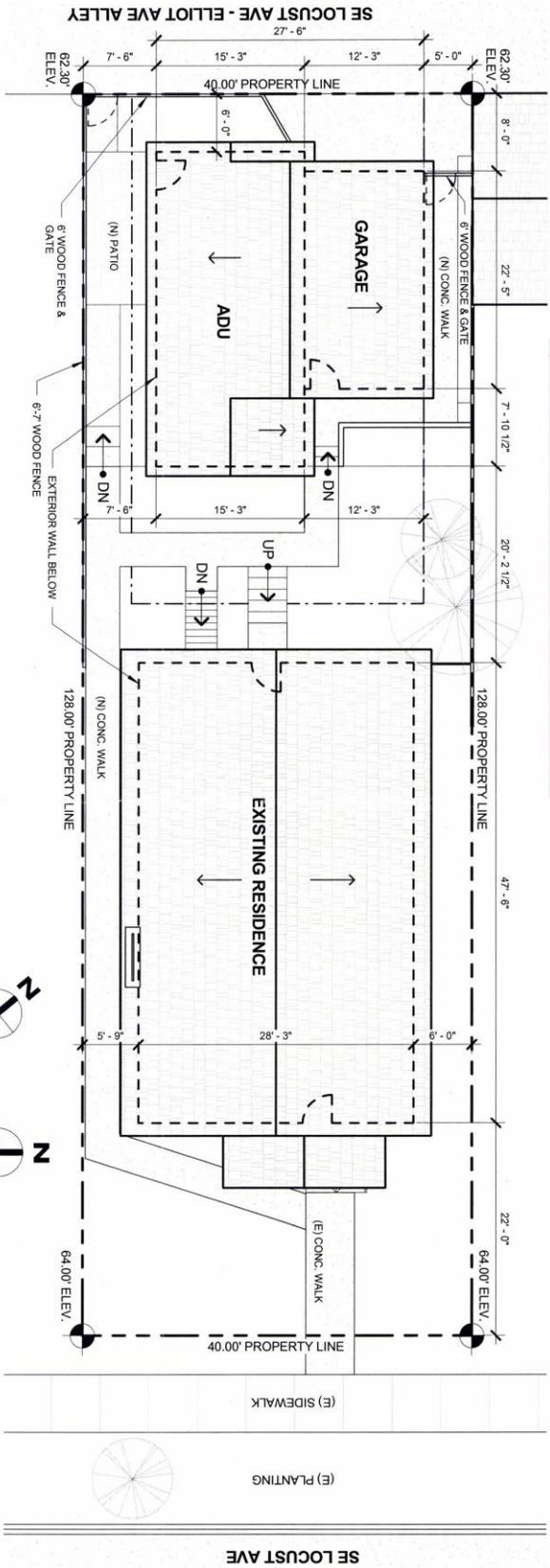
# ZONING

 Site



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

File No.	<u>LU 16-168223 HR</u>
1/4 Section	<u>3232</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E02DB 5400</u>
Exhibit	<u>B</u> (May 06, 2016)



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

NOTES

1) NO TREES OF 12" OR LARGER TRUNK DIAMETER EXIST ON SITE

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner \_\_\_\_\_  
Date 9.22.16

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

BUILDING COVERAGE - DETACHED ACCESSORY STRUCTURES  
LOT SIZE 5120 SF  
MAX BLD. COV. (15%) 768 SF  
(N) ADU & GARAGE FOOTPRINT 768 SF

**DESIGN BUILD PORTLAND**  
INFO@DESIGNBUILDPORTLAND.COM

**LOCUST ADU**  
1963 SE LOCUST AVE  
PORTLAND, OR 97214

**PROPOSED SITE PLAN**

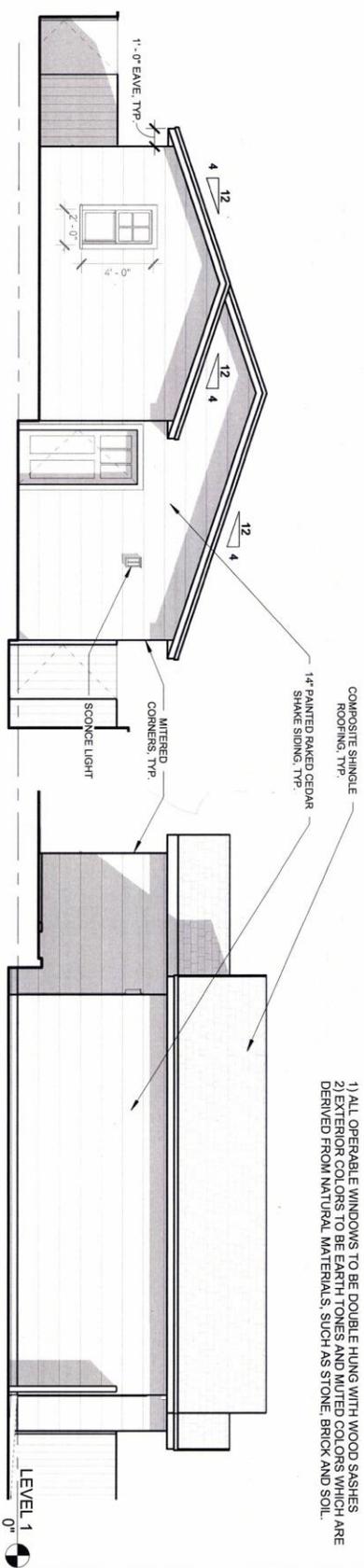
**HISTORIC REVIEW**  
08/23/16

**A1.1**

EXHIBIT A

**GENERAL NOTES:**

- 1) ALL OPERABLE WINDOWS TO BE DOUBLE HUNG WITH WOOD SASHES
- 2) EXTERIOR COLORS TO BE EARTH TONES AND MUTED COLORS WHICH ARE DERIVED FROM NATURAL MATERIALS, SUCH AS STONE, BRICK AND SOIL.



**4 EAST ELEVATION**  
3/16" = 1'-0"

**3 NORTH ELEVATION**  
3/16" = 1'-0"

**2 WEST ELEVATION (VIEW FROM ALLEY)**  
3/16" = 1'-0"

**1 SOUTH ELEVATION**  
3/16" = 1'-0"

Approved\*  
City of Portland  
Bureau of Development Services  
Planner *[Signature]*  
Date *4-27-16*

\* This approval applies only to the project as shown and is subject to all applicable codes and conditions of approval.  
Approved on *4-27-16* by *[Signature]* MOTION/DUSK TO DAWN LIGHT

**DESIGN BUILD PORTLAND**  
INFO@DESIGNBUILDPORTLAND.COM

**LOCUST ADU**  
1963 SE LOCUST AVE  
PORTLAND, OR 97214

**EXTERIOR ELEVATIONS**

**HISTORIC REVIEW**  
08/23/16

**A1.3**

*EXHIBIT C6*