



City of Portland, Oregon
Bureau of Development Services
Site Development

FROM CONCEPT TO CONSTRUCTION

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Date: November 4, 2016
To: Interested Person
From: Mike Gushard, Land Use Services
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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 16-196257 HR – ADDITION TO THE REAR OF A CONTRIBUTING HOUSE

GENERAL INFORMATION

Applicant: Willie Dean
Ground Up Design Works
615 SE Alder St #303
Portland, OR 97214

Owners: Elizabeth and Anthony Hunt
1445 SE Division St
Portland, OR 97202-1139

Site Address: 1445 SE DIVISION ST

Legal Description: BLOCK 3 LOT 7, LADDS ADD
Tax Account No.: R463300440
State ID No.: 1S1E02DC 12600
Quarter Section: 3232

Neighborhood: Hosford-Abernethy, contact Michael Wietecki at 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.

Other Designations: Contributing Resource- Ladd's Addition Historic District

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 application proposes the construction of an addition to the rear of a contributing house that contributes in the Ladd’s Addition Historic District. The proposal requires historic resource review because the subject house is in a historic district. The proposed rear addition has wood windows and lap-siding to match the existing volume. It has a 3/12 pitch roof and sits on a concrete foundation. The proposed addition would include aluminum clad wood French doors at the center of the rear elevation and three concrete stairs leading up to doors. The addition would sit on a concrete foundation.

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

The subject property is a one and a half story, Bungalow. The house was built by the architect T.J. Alsleber for Thomas Accettura in 1923 and, along with the detached garage, are both contributing resources within the Ladd’s Addition Historic District.

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 the site, there are a numerous restaurants, cafes and shops within this range. The site is located directly on SE Division Street providing easy walking access to the Ford Building, Pine State Biscuits and Genies Café to the west and New Seasons Market to the east. 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 4 bus line provides “frequent transit service” (defined by Trimet as, “bus lines [that] run every 15 minutes or better most of the day on weekdays) along Division Street. The 70 bus provides service north and south along SE 17th Ave. Both SE Division and SE 17th Ave are also designated as City Bikeways.

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:

- LU 2015 111056 Replacement of deteriorated historic concrete steps
- LU 2016 113308 Expansion and conversion of an existing detached garage into an ADU.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **September 15, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- The Bureau of Parks-Forestry Division
- The Bureau of Transportation

The following agencies responded with comments:

- Life Safety Division of Bureau of Development Services:
The construction may meet prescriptive lateral bracing requirements for minor additions. Information on these requirements can be found at <https://www.portlandoregon.gov/bds/article/365961>. If the addition does not meet the lateral bracing requirements for minor additions, a lateral design analysis by an Architect or Engineer licensed in Oregon and based on the Oregon Structural Specialty Code will be required. ORSC R104.11 and R301.2.2.2.2. Provide sufficient plans to understand the proposed use as well as the structural design of the roof, floors, walls and foundation

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on September 15, 2016. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

C.J. Kerth O'Brien – Provided a letter of endorsement for the project proposal and lives next door.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is located within the Ladd's Addition Historic District and the proposal is for a non-exempt treatment not requiring a new foundation. Therefore

Historic Resource Review approval is required. The approval criteria are the *Ladd's Addition Conservation District Design Guidelines – Exterior Rehabilitation*.

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

Ladd's Addition Conservation District Guidelines – Exterior Rehabilitation

1. Façades Oriented to a Street. In rehabilitating existing buildings, the architectural integrity of street-oriented façades should be maintained. Additions and structural alterations should be limited to the rear and side yard façades and be minimally visible from the street.

Findings: The addition to the house is located at the rear of the property and is not visible from SE Division Street. *Therefore this criterion is met.*

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

Findings: The proposed foundation on the addition is raised to a level that is compatible with the original foundation height. The proposal differentiates the addition's foundation slightly by covering some of its area with siding and rendering it slightly lower and subordinate to the original foundation. The new foundation is concrete which matches the original volume of the house. *Therefore this criterion 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 proposed addition would be clad in the same 6" cedar lap-siding as the rest of the main volume. *Therefore this criterion is met.*

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

- a. The original roof shape and pitch;
- b. Original structural and decorative features such as gables, dormers, chimneys, cornices, parapets, pediments, frieze boards, exposed rafters and other ornamental details; and,
- c. Whenever possible the original type, size, color, and pattern of roofing materials. New roof features including roof additions and new dormers should be compatible in size, scale, materials, and color with the original building. Skylights, solar, mechanical and service equipment, and new roof features should be inconspicuous from the street.

Findings: The proposed rear addition is slightly differentiated from the side gable volumes main slope but not to a degree that it appears out of context with the original house. The proposed roofing materials and rafter details are the same as the main volume. All changes are to the rear of the property. *Therefore this criterion 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 proposal includes the elimination of existing non-original windows. The windows proposed for the addition are wood windows that match original windows on the east elevation of the property. The proposed rear door is a clad wood door. There are no commercial storefronts on the property. *Therefore this criterion 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 Ladd's Addition Conservation District Guidelines and *therefore warrants approval.*

ADMINISTRATIVE DECISION

Approval a rear addition to a 1923 contributing Bungalow residence in the Ladd's Addition Historic District. The addition includes two windows and a pair of French doors on a raised foundation with concrete steps.

- 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.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-196257 HR. No field changes allowed."

Staff Planner: Mike Gushard



Decision rendered by: _____ **on (November 2, 2016.)**

By authority of the Director of the Bureau of Development Services

Decision mailed: November 4, 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 June 28, 2016, and was determined to be complete on September 9, 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 June 28, 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: January 9, 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 November 18, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th 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.

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 **November 21, 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.⁴

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:

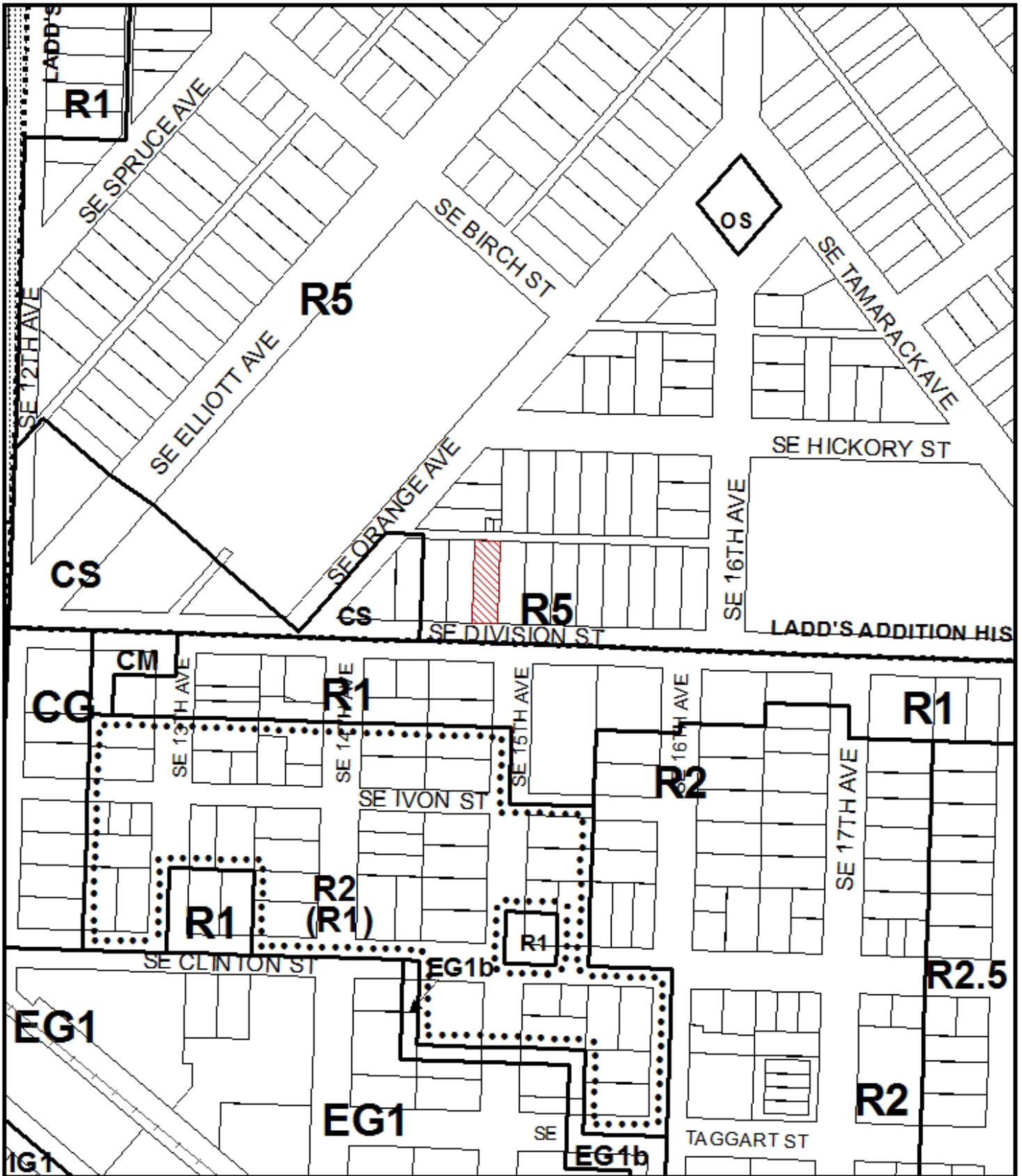
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS


NOT ATTACHED UNLESS INDICATED

- | | |
|---|---|
| A. Applicant’s Statement | 1. Mailing list |
| B. Zoning Map (attached) | 2. Mailed notice |
| C. Plans/Drawings: | E. Agency Responses: |
| 1. Existing and Proposed Site Plan (attached) | 1. Tracs Print Out with agency responses |
| 2. Existing and Proposed Plan | 2. BDS Life Safety Response |
| 3. Existing Elevations | F. Correspondence: |
| 4. Proposed Elevations | 1. C.J. Kerth O’Brien, October 2, 2016 - Supports the project |
| 5. Door Jamb and section details | G. Other: |
| 6. Window Sections | 1. Original LU Application |
| 7. Typical Wall detail | |
| D. Notification information: | |

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 ↑
NORTH

 Site

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

File No.	<u>LU 16-196257 HR</u>
1/4 Section	<u>3232</u>
Scale	<u>1 inch = 200 feet</u>
State_Id	<u>1S1E02DC 12600</u>
Exhibit	<u>B (Jun 29, 2016)</u>

