



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: January 26, 2017
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 16-206935 HR – ALTERATIONS TO FRONT PORCH OF NON CONTRIBUTING RESOURCE

GENERAL INFORMATION

Applicant: Janice M Rizzi and
Theresa M Hatch,
PO Box 14661
Portland, OR 97293

Adam Christie, Architect
9532 SW 18th Place
Portland, OR 97219

Site Address: 1431 SE DIVISION ST

Legal Description: BLOCK 3 LOT 3, LADDS ADD
Tax Account No.: R463300420
State ID No.: 1S1E02DC 12800
Quarter Section: 3231

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: Ladd's Addition Historic District – Non contributing Resource

Zoning: R5 – Residential 5,000

Case Type: HR – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The proposal includes new windows around the porch and the creation of small wood panels below each window. The proposed new windows would be aluminum clad wood. The porch door is proposed to be wood with a large glass light reflecting the height of the porch window. The porch currently has detailed eaves and bargeboards. The application proposes to recreate these features. The interior of the gable is proposed to be clad in lap-siding, the original cladding of the house. The rest of the house is clad in composition shingles. The project requires historic resource review because it is 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 Conservation District Guidelines

ANALYSIS

Site and Vicinity: 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.

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 **September 15, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Bureau of Transportation Engineering

The Life Safety Section of BDS responded with the following comment: A separate building permit will be required for this project. Please see Exhibit E-1 for additional details.

The Site Development Section of BDS responded with the following comment: Site Development takes no exception to the proposal to increase the size of an enclosed porch.
E-2

Staff note: The original proposal included an increase in the porch's size. The proposal was modified to maintain the existing porch footprint and simply add new windows and detailing.

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

1. C.J. Kerth O'Brien on October 3, 2016 wrote in support of an version of the project that included widening the porch as well as making alterations.
2. Joanne Stainbrook, HAND Historic Resources Subcommittte, October 6, 2016 wrote in support of an version of the project that included widening the porch as well as making alterations.

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 change to the enclosed front porch keeps the orientation of the subject house toward the street. *Therefore this guideline is met.*

2. 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 alteration replaces a transparent porch with more traditional wood panels in accordance with the guideline. *Therefore this guideline is met.*

- 3. 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.
- 4. Front Façade Detailing.** Original entrances to buildings, front porches and projecting features, such as balconies, bays, and dormer windows should be retained or restored.

Finding for 3 & 4: The alterations to the porch will leave the character defining gable roof form in place. The proposal also includes the recreation of the rafter details and gable keystone of the house which allow the non-contributing subject property to blend with the historic district. *Therefore these criteria are met.*

- 5. 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 original doors and windows associated with the porch are no longer present. The proposal includes replacing out of character transparent panels and brick veneer on the porch with wood and glass in a more traditional appearance. While these features are not common in Ladd's Addition they are more in keeping with the character of the district than the current conditions of the enclosed glass porch. *Therefore 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 because it does not greatly expand or elaborate an out of character feature of a non-contributing resource and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of alterations to an enclosed front porch per the approved site plans, Exhibits C-1 through C-17 signed and dated January 4, 2017, 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.17. The sheets on which this information appears

must be labeled, "Proposal and design as approved in Case File # LU 16-206935 HR . No field changes allowed."

Staff Planner: Mike Gushard



Decision rendered by: _____ **on January 23, 2017**
By authority of the Director of the Bureau of Development Services

Decision filed January 24, 2017

Decision mailed January 26, 2017

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 July 18, 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 July 18, 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 requested that the 120-day review period be extended by 90 days. Unless further extended by the applicant, **the 120 days will expire on: April 7, 2017.**

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 February 9, 2017** 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 **February 10, 2017**
- 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

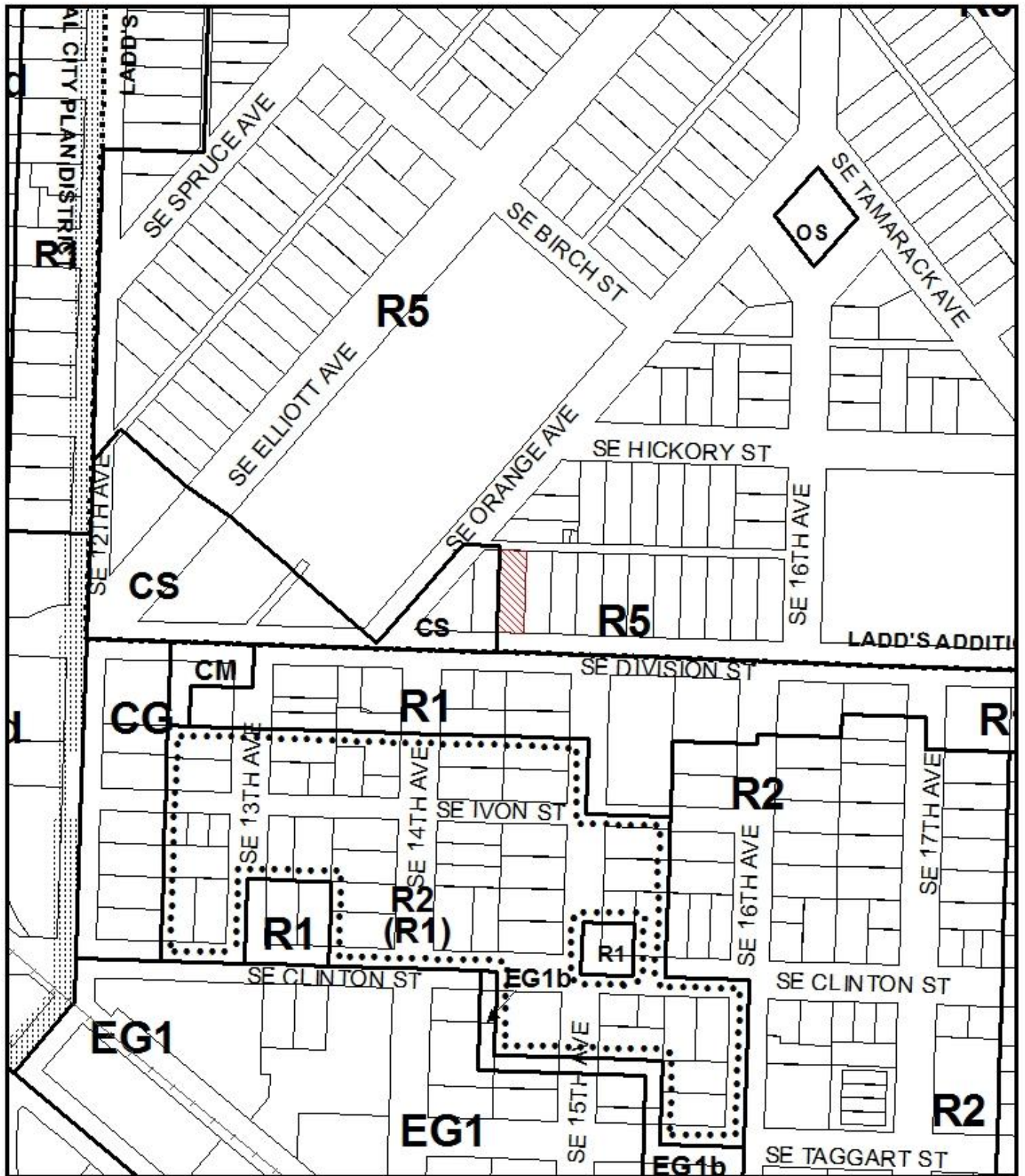
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Porch Plan
 3. Window Schedule
 4. Proposed West Elevation
 5. Proposed East Elevation
 6. Section Through Porch
 7. Front Elevation
 8. Existing West Elevation
 9. Existing East Elevation
 10. Existing Front Elevation
 11. Section Detail: Window Head and Eave
 12. Section Detail Sill
 13. Base of Porch Wall
 14. Wall Details
 15. Intermediate Post
 16. Plan Details: Porch Windows
 17. Door Jamb Details
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Section of BDS
 2. Site Development Section of BDS
- F. Correspondence:


Use this format.

 1. C.J. Kerth, October 3, 2016, in support
 2. Joanne Stainbrook HAND, October 6, 2016, in support
- G. Other:
 1. Original LU Application
 2. Incomplete letter

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

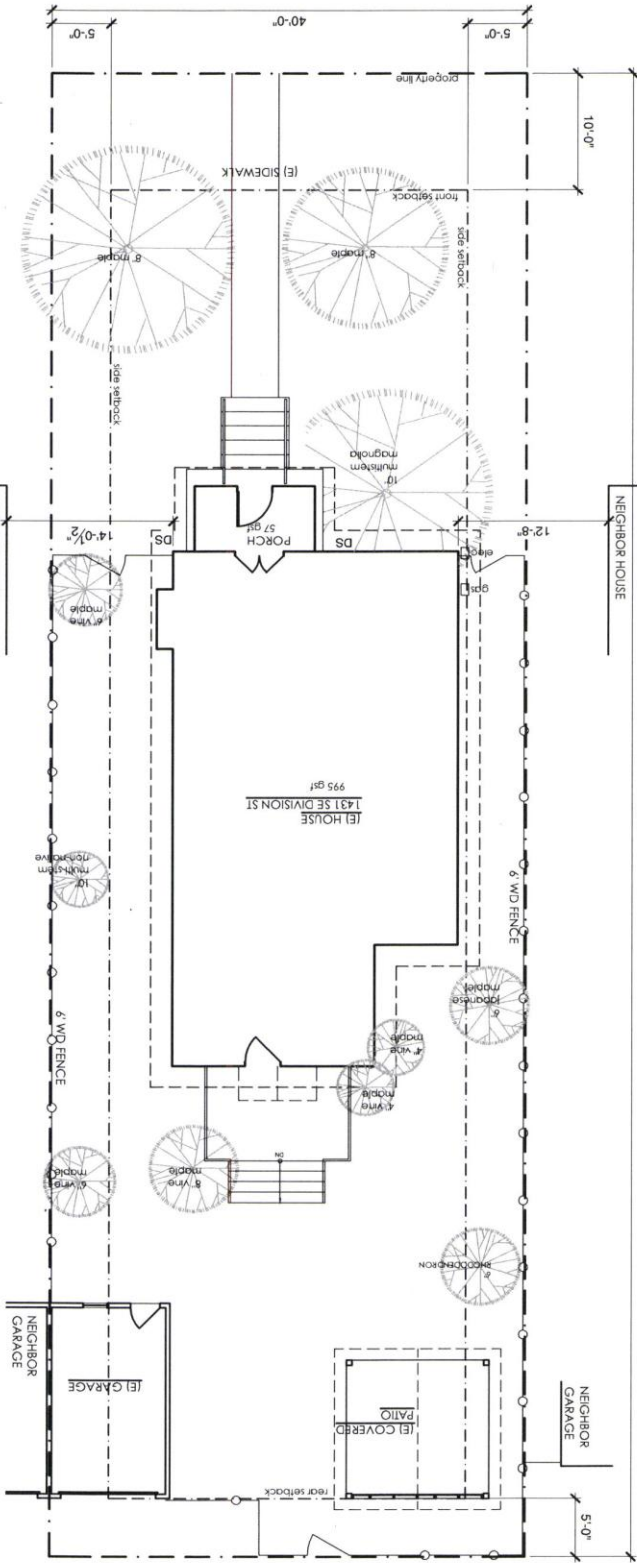


This site lies within the:
LADD'S ADDITION HISTORIC DISTRICT

File No.	LU 16-206935 HR
1/4 Section	3231
Scale	1 inch = 200 feet
State_Id	1S1E02DC 12800
Exhibit	B (Jul 19, 2016)



Site Plan



- NOTES:
1. STORM FROM ROOF WILL BE DIRECTED VIA DOWNSPOUTS TO SPLASH BLOCKS AT GRADE INSIDE SETBACKS.
 2. NO SITE TREES OVER 12" IN DIAMETER.

Approved
 City of Portland
 Bureau of Development Services
 Planner *[Signature]*
 Date 1/4/2017

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

C1