



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

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Date: June 15, 2018
To: Interested Person
From: Tanya Paglia, 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 17-259069 HR – WINDOW REPLACEMENTS LADD’S ADDITION

GENERAL INFORMATION

Applicant: Jennifer Nye | William Wilson Architects PC
 1022 SW Salmon Street, Suite 350 | Portland, OR 97205
 503.223.6693 x16

Owner: Ladd Apartments LLC
 0425 SW Iowa Street | Portland, OR 97239

Representative: Aaron Jones
 0425 SW Iowa Street | Portland, OR 97239

Site Address: 2014 SE 12TH AVE

Legal Description: BLOCK 6 LOT 21&24, LADDS ADD
Tax Account No.: R463301310
State ID No.: 1S1E02CD 02100
Quarter Section: 3231

Neighborhood: Hosford-Abernethy, contact chair@handpdx.org.
Business District: Division-Clinton Business Association, contact at 503-706-3730.
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: None
Other Designations: Non-Contributing Resource in the Ladd's Addition Historic District

Zoning: R1- Residential 1,000, with Historic Resource Protection overlay

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

Proposal:

The applicant seeks Historic Resource Review approval for exterior alterations to a non-contributing apartment building in the Ladd’s Addition Historic District built in 1924. This project is in response to a code compliance case (15-244573 CC) where windows were replaced without a review and permit. The proposal includes replacing all vinyl windows on the building which includes 60 windows in total: 7 windows on the North façade, 11 windows on the West façade, 30 windows on the South façade, and 12 windows on the East façade. Ten of these vinyl windows were installed in 2016 without a permit, and multiple other windows on the building

were replaced with vinyl windows at an unknown date prior to the current ownership. All of the building’s existing wood windows will be retained and painted.

The replacement windows will be new aluminum clad wood windows with roll-formed cladding which maximizes the wood content of the windows, while also providing a durable coating. The proposed windows have an operational style and profile to match the wood windows to remain on the building. All new windows will be double hung and will fit into existing rough openings. They will sit within the wall plane at the same depth as the wood windows. The existing wood windows and all trim as well as existing concrete sills and stucco jamb returns will be painted to match the new clad windows (Pella Windows’ Brown). The building’s stucco cladding will be repaired, sealed and painted. The main building color will be a light off-white (Sherwin William Natural Choice SW 7011) and the stucco sills, windows/trim, arched window detail, vertical accents at west, and the top/bottom elements of the cornice will be painted the brown accent color.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations in a 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 subject building, historically known as the Regner Apartments, is a 3-story Spanish Revival/20th Century California Mission style building with stucco as its primary cladding. It is a non-contributing apartment building in the Ladd’s Addition Historic District built in 1924. The site is located on a corner lot at the intersection of SE 12th Ave and SE Harrison St on the Western edge of the Historic District. The apartment building faces west onto SE 12th Ave, sitting right at the property line along its western frontage. It sits slightly back from the property line along SE Harrison St.

Ladd’s Addition is Portland’s oldest planned residential community (1891) and one of the oldest in the western United States. Ladd’s radial street plan marked a dramatic break in Portland’s typical grid street pattern. With a formal symmetry echoing Renaissance cities and gardens, the radial streets converge at five formal gardens, which are the showpieces of the community. Parking strips are lines with mature street trees, green archways of elms and maples. The architectural character of Ladd’s Addition was established in the three decades following the turn of the century.

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. Although the individual structures represent a variety of styles, including Bungalow, Mission, Tudor and Colonial Revival, they have a continuity of materials, scale, detailing, orientation and setback which creates a sense of architectural uniformity.

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 inner southeast streetcar lines. 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.

Zoning: The Residential 1,000 (R1) is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouse, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector

and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R1 zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

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 **January 29, 2018**. The following three Bureaus, Divisions and/or Sections responded with no objections and one of these included comments found in Exhibit E-1:

- Life Safety Division of the Bureau of Development Services (Exhibit E-1)
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 29, 2018. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Gina Morvay, Owner of 2044 SE 12th Ave, wrote on February 1, 2018, stating concerns about construction disruptions to alley access, but not expressing opposition to or support of the proposal.

Staff Response: Potential disruption to alley access is not within the purview of this review. All other aspects of the proposal that are subject to review are addressed in the findings below.

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.

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.

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.

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

Findings 1, 3, 6, and 7: While the proposed alterations will occur on all four of the building’s facades, impacting both facades oriented to the street (north and west) as well as non-street facing facades (south and east), the proposed removal of 60 non-historic windows and replacement with new compatible windows will have no negative impact the building’s architectural integrity. As a result of the project, the facades oriented to SE 12th Ave and SE Harrison will better represent the original architecture of the Regner Apartments. No new architectural elements will be introduced in this proposal and all aspects of the proposed work, including the windows as well as new paint, will not detract from the historic character of this non-contributing resource in the Ladd’s Addition Historic District.

All windows to be removed are vinyl replacement windows which were installed without a permit. The proposed new clad wood windows will match existing original wood windows in profile and installation. The windows will be double-hung, matching the operational style of the wood windows to remain on the building. The National Register Nomination for Ladd’s Addition written in 1988 notes that the windows are all one-over-one double-hung sashes with concrete sills. The proposed double-hung windows will replace many vinyl windows that are sliders, bringing them back to an operational style in harmony with the building’s original architecture. The project will locate the windows within the existing openings, thus no change to window patterning and placement will occur. The new windows will sit within the wall plane at the same depth as the wood windows.

The building’s stucco cladding will be repaired, sealed and painted and no new cladding materials will be introduced. The main building color will be a light off-white (Sherwin William Natural Choice SW 7011). The existing wood windows and all trim as well as existing concrete sills and stucco jamb returns, arched window detail, vertical accents at west, and the top/bottom elements of the cornice will be painted a brown accent color to match the new clad windows (Pella Windows’ Brown). The two proposed colors are in keeping with the Twentieth Century California Mission style. No historic materials are to be removed and the visual impact of the alterations will be in keeping with the historic character.

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 requirements of Title 11 can be met, and 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 proposed removal of 60 non-historic vinyl windows from all four of the building’s facades to be replaced with more compatible clad wood windows to match existing wood windows will enhance the historic character of the property. The windows have an operational style and

profile to match the wood windows to remain on the building. They will sit within the wall plane at the same depth as the wood windows. The alterations will maintain the historic form of the building, and do not detract from the historic character of Ladd’s Addition Historic District. 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 replacement of 60 windows on all four facades of a non-contributing apartment building in the Ladd’s Addition Historic District, per the approved site plans, Exhibits C-1 through C-8, signed and dated 6/11/2018, 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 4 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 17-259069 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Tanya Paglia



Decision rendered by: _____ **on June 11, 2018.**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 15, 2018

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 October 20, 2017, and was determined to be complete on January 24, 2018.

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 October 20, 2017.

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 89 days. Unless further extended by the applicant, **the 120 days will expire on: 8/21/2018.**

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 6/29/2018** 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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **6/29/2018** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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:

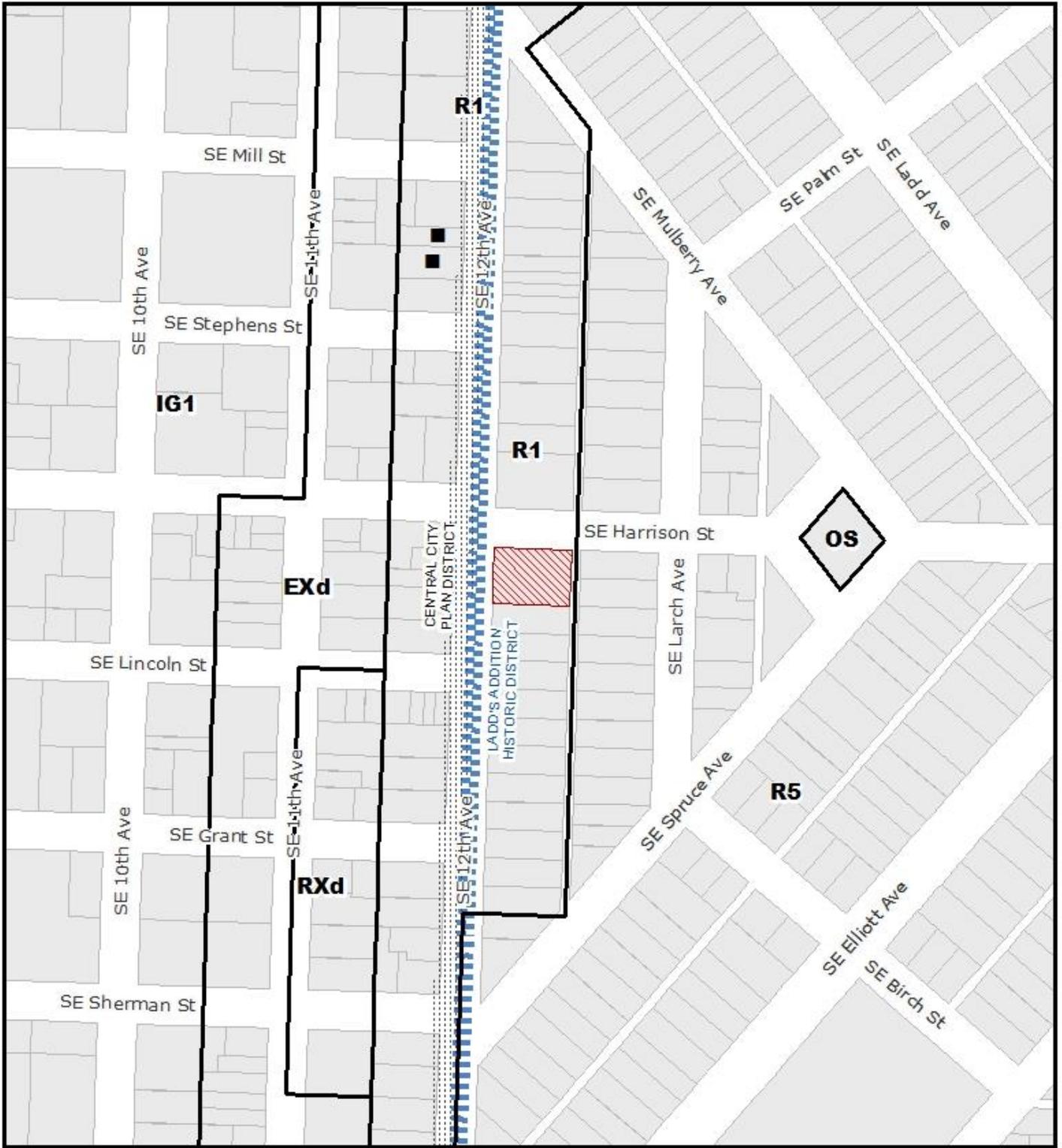
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Submittal
 1. Applicant’s Project Narrative and Response to Approval Criteria
 2. Original plan set – NOT APPROVED/reference only 10/17/2017
 3. Second plan set – NOT APPROVED/reference only 1/18/2018
 4. Photo of Existing Conditions
 5. Post-incomplete Memo with Revised Project Narrative and Response to Approval Criteria
 6. Window Product Cutsheet
 7. Historic Elevations of Building
 8. Request for Extension of 120-Day Review Period for 14 days dated 2/16/2018
 9. Request for Extension of 120-Day Review Period for 45 days dated 3/2/2018
 10. Request for Extension of 120-Day Review Period for 30 days dated 4/29/2018
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (on cover sheet) (attached)
 2. North Elevation
 3. West Elevation (attached)
 4. South Elevation
 5. East Elevation
 6. Window Sections and Elevation (attached)
 7. Window Sections
 8. Product Sheet with Product Section Displaying Attributes of Roll-formed Cladding
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Division of the Bureau of Development Services
- F. Correspondence:
 1. Gina Morvay, Owner of 2044 SE 12th Ave, wrote on February 1, 2018, stating concerns about construction disruptions to ally access, but not expressing opposition to or support of the proposal.
- G. Other:
 1. Original LU Application
 2. Oregon Historic Site Record
 3. Incomplete Letter
 4. Ladd’s Addition National Register of Historic Places Entry on Regner Apartments
 5. Notice of Zoning Violation Letter, November 18, 2015

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



THIS SITE LIES WITHIN THE:
LADD'S ADDITION HISTORIC DISTRICT



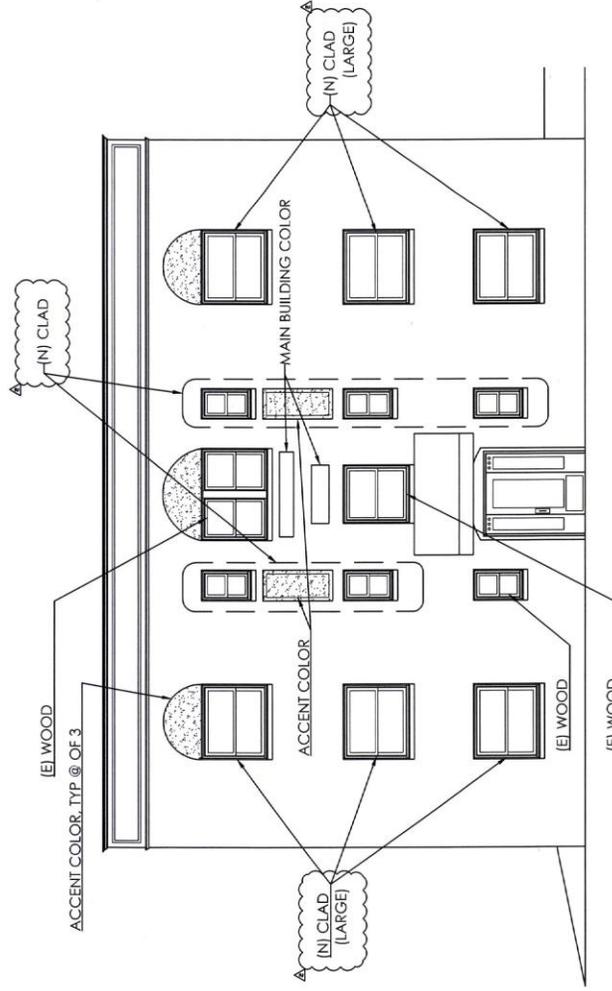
Site



Historic Landmark

File No.	LU 17-259069 HR
1/4 Section	3231
Scale	1 inch = 200 feet
State ID	1S1E02CD 2100
Exhibit	B Oct 25, 2017

NOTES:
- SEE A2 FOR TYPICAL NOTES



1 WEST ELEVATION (SE 12TH AVENUE)
SCALE: 1/8" = 1'



Approved
City of Portland - Bureau of Development Services
Planner *[Signature]* Date *6/11/2018*
* This approval applies only to the reviews requested and is subject to all
conditions of approval. Additional zoning requirements may apply.

REVISIONS: A 1/18/2018 A 5/17/2018	LADD'S ADDITION APARTMENTS - WINDOW REPLACEMENT 2014 SE 12TH AVE. PORTLAND OREGON 97214	A3
DATE: 10/17/2017 SCALE: DRAWN: JOB NO: 1715		
WEST ELEVATION HISTORIC DESIGN REVIEW SUBMITTAL		

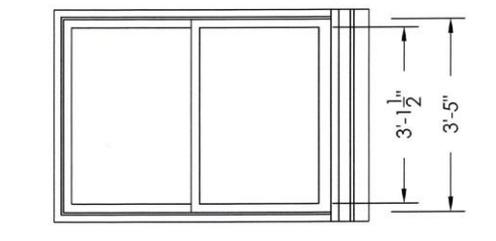
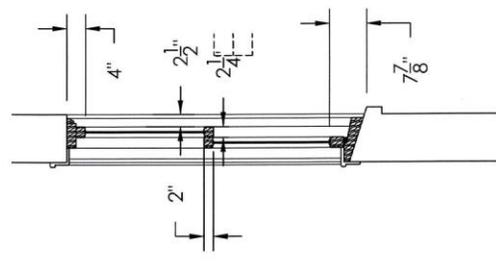
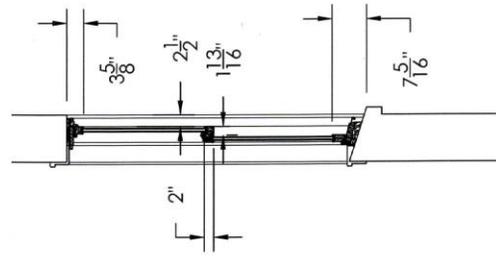
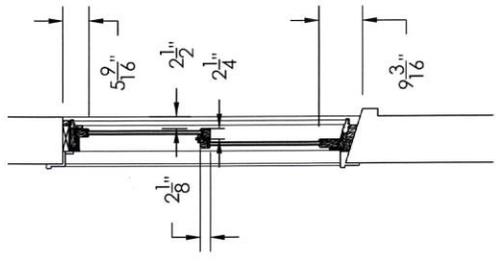
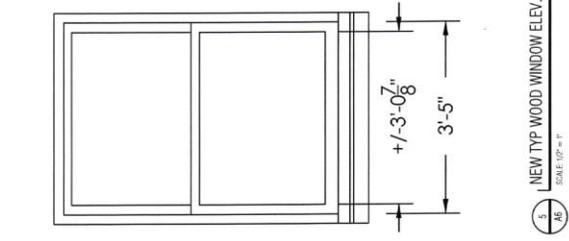
LU 18-259069 HR

C-3

Approved
 City of Portland - Bureau of Development Services

Planner _____ Date 6/11/2018

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



REVISIONS:	
A	1/18/2018
A	5/17/2018
DATE:	10/17/2017
SCALE:	
DRAWN:	
JOB NO:	1715

LADD'S ADDITION APARTMENTS - WINDOW REPLACEMENT
 2014 SE 12TH AVE.
 PORTLAND OREGON 97214

WINDOW SECTIONS
 HISTORIC DESIGN REVIEW SUBMITTAL

A6

w

wilson architects pc
 300 SW 2ND ST, SUITE 2000
 PORTLAND, OR 97204

LU 18-259069 HR

C-6