

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

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Ted Wheeler, Mayor Rebecca Esau, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: March 8, 2019 To: Interested Person

From: Art Graves, Land Use Services

503-823-7803 / Arthur.Graves@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has denied 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 18-178473 HR – EXTERIOR ALTERATIONS & REAR ADDITION

GENERAL INFORMATION

Applicant: Alyssa I Krueger & Robert Krueger

2348 SE Tamarack Avenue | Portland, OR 97214-5455

alyssaisenstein@yahoo.com

Site Address: 2348 SE Tamarack Avenue

Legal Description: BLOCK 29 LOT 25, LADDS ADD

Tax Account No.: R463306730

State ID No.: 1S1E02DC 08700

Quarter Section: 3232

Neighborhood: Hosford-Abernethy, contact chair@handpdx.org. **Business District:** Division-Clinton Business Association, contact

info@divisionclinton.com

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.

Plan District: None

Other Designations: Contributing Resource in the Ladd's Addition Historic District

R5 – Residential 5,000 with Historic Resource Protection Overlay Zoning:

Case Type: HR - Historic Resource Review

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

Commission.

PROPOSAL:

The applicant is seeking Historic Resource Review approval for alterations to a contributing single-family house in the Ladd's Addition Historic District. The proposal includes the following:

- Removal of vinyl siding and restoration of original wood siding (exempt from Historic Resource Review per 33.445.320.B)
- Installation of new windows on the north and south (side) elevations. Windows to be wood to match original windows on the house.
- Construction of a new two-story addition and at the east (rear) elevation of the house with a pitched roof running perpendicular from, and at the height of, the existing roof line. The addition is to be clad in wood siding to match the restored siding of the existing home. The new windows are to be wood, to match the original windows of the existing home.

The Notice of Proposal mailed on November 16, 2019 stated that the ridgeline of the original house was to be extended up approximately 4'-7" to align with the roof of the new addition. The design has since been revised.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations to a home 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, Portland Zoning Code. The relevant criteria are:

Ladd's Addition Conservation District Guidelines

ANALYSIS

Site and Vicinity: The subject property faces west onto SE Tamarack Street within the Ladd's Addition Historic District, listed on the National Register of Historic Places on August 31, 1988. The period of significance of the Ladd's Addition Historic District is 1891-1939. The existing house is classified as contributing to the historic character of the district and is noted in the Ladd's Addition nomination as a "one-story rectangular bungalow [with] a moderately-pitched gable roof".

The category Bungalow refers to small-scale one and one-and-one-half story buildings. Although the individual structures from the period of significance represent a variety of styles, including Bungalows, they have a continuity of materials, scale, detailing, orientation and setback which creates a uniformity. Structures remaining from this era form the basis of the architectural character of the neighborhood and their features express an architectural vocabulary which can be used in designing new buildings and additions to be compatible within the 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. The historic character of the 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 churches, small apartment buildings, and modest commercial properties are sprinkled throughout the district. Dense traditional storefront commercial and apartment development is concentrated along SE Hawthorne, the northern boundary street, and SE Division at the south, which carried the original streetcar lines.

Zoning: The <u>Residential 5,000</u> (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 <u>Historic Resource Protection</u> 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.

<u>Ladd's Addition</u> 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. 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.

Land Use History: City records indicate no prior land use reviews on this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 16, 2018**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services, See Exhibit E-1
- Water Bureau, See Exhibit E-2
- Fire Bureau, See Exhibit E-3
- Life Safety Review Section of BDS, See Exhibit E-4
- Site Development Section of BDS, See Exhibit E-5
- Bureau of Transportation, See Exhibit E-6

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 16, 2018. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

• Henry Kunowski, HAND Neighborhood Association Land Use Historic Resources Sub-Committee (HRS), wrote on December 5, 2018, with a sketch representing a summary reply to the original proposal. The comments expressed general support for the noticed submittal with a few exceptions cited as critical to the overall success and acceptance of the project based on Ladd's Guidelines and Secretary of the Interior's Standards. *See Exhibit F-1*.

Staff Response: Consideration was given to the comments provided by the Neighborhood Association. While the Secretary of the Interior's Standards are not the approval criteria for this proposal, there is weight given to their authority on preservation. Inherent in all NPS guidance is the concept that an addition needs to be subordinate to the historic building in size, scale, and massing, as well as design. Additions that feature a higher roofline, that extend beyond the side of the building, or that have a significantly greater footprint than the original building are usually not compatible. Staff recommended the applicant study ways to visually distinguish the addition from the historic building to make the new mass minimally visible from the public right-of-way and subordinate to the historic building in order to meet the approval criteria.

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 - New Construction

- 1. **Siting.** All new buildings should face the street. Commercial buildings should be pedestrian oriented and have a zero front yard setback. All other buildings should maintain the historical front yard setback on the block, usually fifteen to twenty feet. The original topography and grade of building sites should be maintained.
- **2. Landscaping.** On the site of non-commercial structures, the retention of front lawns and mature trees is encouraged. The predominant use of ground covers, such as bark mulch and broadleaf evergreens, is discouraged. Plants popular in the 1910's and 1920's are encouraged.
- **3. Fences and Retaining Walls.** Front and side yards which abut a street should be visually open to the street. Hedges retaining walls and fences, which visually obscure front yards are discouraged. Fences should be kept behind the building lines, as viewed from the street.
- **6. Building Façade Proportions.** The front façades of non-commercial buildings should be vertical, i.e., higher than they are wide.
- **12. Front Façade Detailing.** Primary entrances to buildings should be oriented to the street rather than to a rear yard or interior side yard. Front porches and projecting features such as balconies, bays and dormer windows are encouraged. Blank façades with no windows are discouraged.
 - **Findings for 1, 2, 3, 6 12:** The proposal has little impact on the relationship between the existing house and the street. The house features a centered, front facing gable roofed porch, projecting eaves, columns with capitals, and a concrete foundation. It has a typical mid-block setback, with a retaining wall and sequence of concrete stairs leading to the front porch stairs. These features will remain unaltered. The originally submitted proposal included an extension of the ridgeline of the contributing house to align with the roof of the proposed two-story addition, which would have altered the house's relationship with the street. Subsequent revisions included a lowered ridgeline to maintain the existing front façade proportions. *Therefore, these guidelines have been met.*
- **5. Building Height.** In areas zoned for single family residential use, new buildings should not be less than one and one-half stories or more than two and one-half stories or thirty-five feet in height. In all other areas, new buildings should not exceed three stories or forty-five feet in height.
- **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.
- **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 9, 10 & 11: Although the individual structures from the period of significance represent a variety of styles, they have a continuity of materials, scale, detailing, orientation and setback which creates a uniformity. Structures remaining from this era form the basis of the architectural character of the neighborhood and their features express an architectural vocabulary which should be reflected in the design of compatible additions.

The proposed rear addition does not respect the architectural integrity of the original residence. The shallow roof slope exacerbates the proposed addition's over-scaled 2-story mass. The addition is set back 12" from the north wall and 6" from the south wall, spanning nearly the entire rear facade. While not visible from the street elevation, the width of the addition and the limited existing headroom at the attic level, results in an uncharacteristically shallow gable roof form, which is highly visible from the public alley at the rear.

As is described in "A Guide to the City of Portland Historic Resources Review Process" (produced by the HLC in July 2016), exterior materials, fenestration pattern, roof form and details are features that define the historic character of historic resources within a district. These same features are noted as character defining features in the National Register Nomination for the district. The Commission's Guide also notes that while primary elevations receive the most scrutiny, the rear of a building is also important. This is especially true in Ladd's Addition, where due to the unique alley design, these facades are highly visible to the public. The proposed work does not retain or preserve historic character, but instead damages it.

Even when additions have minimal visibility from the right of way, their effect on the historic resource is important and scale, roof form, and design details must be considered. Any building addition should share similar underlying design principles in keeping with the historic building. However, the shallow roof and over scaled mass results in an incongruous appearance that diminishes the historic district's sense of place. *Therefore, these guidelines have not been met.*

- **7. Foundations.** Non-commercial structures should have foundations which are three or four feet in height and constructed of masonry materials, such as ornamental concrete block, poured concrete with a stucco wash, or stone. Commercial buildings should have foundations which are within six inches of the sidewalk elevation.
- **8. Exterior Siding Materials.** Materials used on new buildings should be consistent with predominant materials used on buildings of a similar use within the district. On single family residences and duplexes: stucco, horizontal wood siding, wood shingles, brick, or a combination of these materials. On commercial and multi-family residences: stucco and brick. The following materials are discouraged: plywood, used brick, shakes, exposed concrete block and metal.
- **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 7, 8 & 15: The proposal includes removal of non-original vinyl siding in order to expose underlying original wood, which is consistent with historic cladding seen throughout the historic district; this siding aspect of the proposal is exempt from review. The primary material for the proposed addition is also proposed to be horizontal wood siding. This material matches that of the original structure and is used widely in Ladd's Addition Historic District. The color of the proposed addition will be painted to match the existing tones of the original residence. *Therefore, these guidelines have been met.*

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.

Findings: The district nomination notes that the windows on this structure are primarily one-over-one double-hung wood sashes. The front elevation has large fixed wood sash windows with multiple lites in the upper sashes. The windows proposed for the new addition are individually vertically oriented. However, the grouping of windows at the first and second levels of the addition create an overall horizontal expression that emphasizes the width of the rear addition. According to the National Register Nomination, many of the bungalows built in Ladd's Addition between 1919 and 1929 are similar with regard to the ratio of window to wall surface. The proposed addition has no window openings at the second level on either side elevation, significantly deviating from this typical ratio. Combined with the horizontal grouping on the rear façade and opening orientation at the ground level, the overall window patterning on the proposed addition is a detriment to the character of the contributing resource. *Therefore, this guideline has not been 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

Historic districts exist not just to recognize and protect the individual historic buildings within their boundaries, but to retain the integrity of the district as a whole. As stated in the findings, the proposal does not meet all of the applicable approval criteria. The National Register nomination details the importance of the district's spatial order and massing. Preserving the historic resource includes consideration for the impact, and potential detriment to, the integrity of these character defining features. Although proposed on the façade, the extent of this alteration is not compatible with the architecture or character of this resource.

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 does not meet all the applicable Historic Resource Review and therefore warrants denial.

ADMINISTRATIVE DECISION

Denial of a new two-story addition and at the east (rear) elevation of the house with a pitched roof running perpendicular from, and at the height of, the existing roof line.

Approval of new windows on the north and south (side) elevations. Windows to be wood to match original windows on the house, per the approved site plans, Exhibits C-1, C-4, C-5 & C-6, signed and dated March 5, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through I) 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 18-130462 HRM." 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: Art Graves

Decision rendered by: ______ on March 5, 2019

By authority of the Director of the Bureau of Development Services

Decision mailed: March 8, 2019

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on May 29, 2018 and was determined to be complete on November 13, 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 May 29, 2018.

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 245 days (Exhibit G-3). Unless further extended by the applicant, **the 120 days will expire on: November 13, 2019.**

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 March 22, 2019** 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.

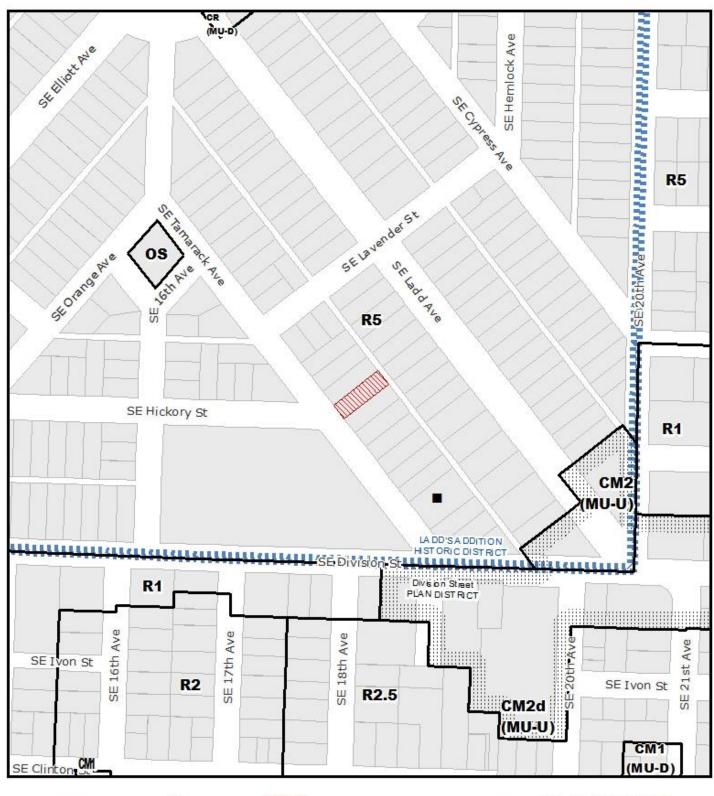
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Project Narrative
 - 2. Original Drawing Set
 - 3. Applicant's Photos
 - 4. Estimated Construction Costs
 - 5. Updated Drawing Set, dated 11/9/18
 - 6. Options Presented at Meeting, 1/11/19
 - 7. Updated Drawing Set, dated 1/31/19
 - 8. Final Drawing Set, dated 2/13/19
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Proposed Floor Plans not approved
 - 3. Building Sections not approved

- 4. North & South Elevations (attached)
- 5. Window Details
- 6. Window Information
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Fire Bureau
 - 4. Life Safety Review Section of BDS
 - 5. Site Development Section of BDS
 - 6. Bureau of Transportation
- F. Correspondence:
 - 1. Henry Kunowski, HAND Neighborhood Association Land Use Historic Resources Sub-Committee (HRS), on December 5, 2018, with a sketch representing a summary reply to the original proposal. The comments expressed general support for the noticed submittal with a few exceptions.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, dated 6/12/18
 - 3. Request for Extension of 120-Day Review Period, signed 12/12/18

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).





NORTH

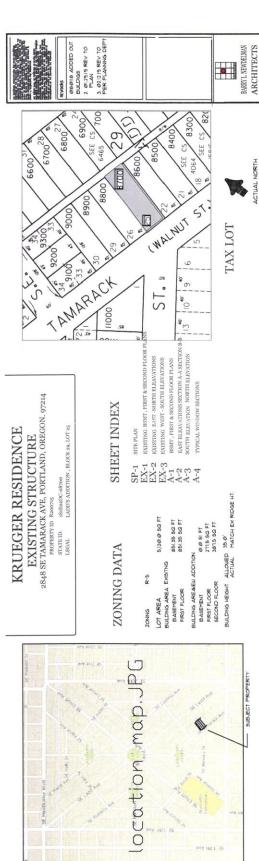
THIS SITE LIES WITHIN THE: LADD'S ADDITION HISTORIC DISTRICT Site

■ Historic Landmark

File No.	LU 18-178473 HR	
1/4 Section	3232	_
Scale	1 inch = 200 feet	_
State ID	1S1E02DC 8700	
Exhibit	B Jun 02, 201	8

SP-1

ROLECT NO: 1804329 ARE: 04.10.18



CHKN RUN EI CHK COGPSO FT E SO FT ACTUAL EXSTING ONE STORY GARAGE NUT APPRIVED. E- LANSCAPED REAR SITE PLAN ADDITION EXT EAL HOLD BACK 6° FROM EX BLDG FACE OF ADDITION HOLD BACK 12" FROM EK BLDG FACE OF - E FENCI 128.0 APED FRONT YARD IN FACE OF EXPERIOR WALL ESIDENCE! BINGLE FAMILY BUILDING LINE ROOF OV TYPCAL BERMED LANDS AND SIDE YARD ING CONCRETE STEPS TREE HEUBLIC SIDEMALK

> This approval applies only to the reviews requested and is subject to all

Bureau of Development Services

Planner Date

Approved City of Portland

LOCATION PLAN

TWO STORY ADDITION KRUEGER RESIDENCE 2348 SE TAMARACK AVE PORTLAND, OREGON

PROJECT NAME & LOCATION

PROJECT DATA SITE PLAN LOCATION PLAN

PORTLAND, OREGON CHICAGO, ILLINOIS TT3, 425, 0200

