



**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](http://www.portlandoregon.gov/bds)

**Date:** March 18, 2019  
**To:** Interested Person  
**From:** Hannah Bryant, Land Use Services  
503-823-5353 / [Hannah.Bryant@portlandoregon.gov](mailto:Hannah.Bryant@portlandoregon.gov)

## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has approved 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 18-241095 HR – ADU IN LADD'S ADDITION**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Peter I Ritson  
12717 NW 19th Loop | Vancouver, WA 98685-2422  
360-936-1649

**Site Address:** **2243 SE Elliott Avenue**

**Legal Description:** BLOCK 5 LOT 20, LADDS ADD  
**Tax Account No.:** R463300970  
**State ID No.:** 1S1E02CD 06700  
**Quarter Section:** 3231  
**Neighborhood:** Hosford-Abernethy, contact [chair@handpdx.org](mailto:chair@handpdx.org).  
**Business District:** Division-Clinton Business Association, contact at [info@divisionclinton.com](mailto: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  
**Zoning:** **R5** – Residential 5,000 with Historic Resource Protection Overlay  
**Case Type:** **HRM** – Historic Resource Review with Modifications  
**Procedure:** **Type I**, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

#### **Proposal:**

The applicant seeks Historic Resource Review for a new Accessory Dwelling Unit (ADU) in Ladd's Addition. The proposed 1 ½ story ADU has a footprint that is 719 square feet and is 799 square feet total, including the second story loft. It is proposed to have a street-facing dormer and a street-facing gable projection.

Historic Resource Review is required for non-exempt alterations or new construction in the Ladd’s Historic District.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria specified in Title 33, Portland’s Zoning Code. The relevant approval criteria are:

- *Ladd’s Addition Conservation District Guidelines*

## ANALYSIS

**Site and Vicinity:** The subject property is a 5120 square foot mid-block lot in Ladd’s Addition across SE Elliot Avenue from the Abernathy School. The primary contributing resource, the George and Eldora Schumacher Residence, sits in the center of the narrow, deep lot. The footprint of the 1 ½ story English Cottage style house is approximately 1000 square feet. The contributing resource has original one-over-one double-hung wood windows, and a gable roof with return eaves. The ADU is proposed to replace a non-contributing three-car garage fronting the alley at the back of the lot.

SE Elliot Avenue is a Local Service Bikeway; a Local Service Walkway and a Minor Emergency Response Street. The SE Elliot/Spruce Avenue Alley is a Local Service Bikeway; a Local Service Walkway and a Minor Emergency Response Street. The site is close to transit, and therefore is not required to have on-site parking.

**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.

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. 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 there are no prior land use reviews for this site.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **February 8, 2019**. No other bureaus review or comment on Type I land use proposals.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **February 8, 2019**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Kunowski, Henry – December 24, 2019 – Ladd’s Addition Neighborhood Association suggests adding a faux garage door on the alley frontage, and to modify the mass to an ‘L’ shape to mitigate the perceived large scale of a rectangular footprint.

## **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 requiring a new foundation. Therefore, Historic Resource Review approval is required. The approval criteria are the *Ladd’s Addition Conservation District Design Guidelines – New Construction*.

*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.

**Findings:** The proposal faces SE Elliot Street, with a back door facing the alley frontage. The side setback is approximately 7 ½ feet from the property lines. The topography of the site is not proposed to change. *Therefore, this guideline is met.*

**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.

**Findings:** Located at the very back of the narrow, deep lot, the proposed ADU will replace an existing three-car garage and will not change the front lawn landscaping. This area of the site is easily accessible via the SE Elliot Ave./SE Spruce Ave. alley. Demolition of the existing garage and construction of the new ADU will not require access via SE Elliot Avenue, and will not impact the mature trees and landscaping on site. *Therefore, this guideline is met.*

**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.

**Findings:** The proposal does not include a fence. The ADU is proposed to be located at the very rear of the property, behind the primary home, and will be minimally visible from SE Elliot Avenue. *Therefore, this guideline is met.*

**4. Parking.** Parking areas and driveways are discouraged in the front yard. Required on-site parking should be located in the rear yard or beneath new construction. Parking areas, providing space for three or more cars, should be screened from adjacent properties: hedges

and canopy trees are recommended as screens. No lot within the district should be converted solely for parking use.

**Findings:** The proposed ADU will replace an existing three-car garage on the alley. Because the site is in close proximity to frequent transit, it is not required to maintain on-site parking. With the addition of this ADU, there will not be any on-site parking area. *Therefore, this guideline is 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.

**Findings:** The proposed ADU is intended to be a secondary, accessory building, and not to be of the same scale as a primary dwelling. Since the primary resource is a 1 ½ story English Cottage style home, the accessory dwelling unit will have a slightly lower height than the primary resource. The proposal is for a small, cottage-style accessory dwelling unit with very low knee walls and an upper story loft. Its height will be consistent with other tall garages and accessory dwelling units on alley frontages throughout Ladd’s Addition. *Therefore, this guideline is met.*

**6. Building Façade Proportions.** The front façades of non-commercial buildings should be vertical, i.e., higher than they are wide.

**Findings:** While the width of the proposed ADU is 25’ wide, and the building is 23’ to the peak of the gable, the building’s mass is shifted to break the front façade into two parts. Of these, each part appears taller than it is wide. The verticality is accentuated by the steep projecting gable and the vertical orientation of the windows on this façade, similar to the existing house. *Therefore, this guideline is 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.

**Findings:** The primary resource is set up above grade on a foundation, with an elevated front stoop facing the rear yard of the house. It is appropriate for this non-historic accessory structure to have a deferential relationship to the primary resource, and to be set down closer to grade. The concrete foundation is proposed to be exposed approximately 7” between grade and the bottom of the exterior siding. *Therefore, this guideline is met.*

**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.

**Findings:** The exterior is proposed to be sided with a Hardie Artisan lap siding. This product is 5/8” thick and can be installed to match the exposure of historic lap siding on nearby homes. The thickness, installation method and visual dimensions of this product are comparable to traditional horizontal wood siding. Since this proposal is for a new ADU, is not visible from the street, and is replacing a non-contributing garage, a wood-substitute material is appropriate. Condition of Approval C states that the product shall be installed to have a maximum 5” exposure between courses to ensure consistency with lap siding on nearby contributing resources. *Therefore, with the Condition of Approval C that the lap siding shall be installed to have a maximum 5” exposure between courses, this guideline is met.*

**9. Roof Form.** Non-commercial buildings should have gable or hip roofs with medium to steep pitch. Dormers and gable roof projections are encouraged. Commercial buildings should have flat roofs with parapets or false fronts. Detailing of the parapets with cornices and stepping is encouraged.

**Findings:** The proposed roof is a steep gable roof to match the roof pitch on the primary contributing resource. Like the primary resource, the ADU is proposed to have a street-facing perpendicular gable. A dormer is also proposed. No dormers are proposed facing the alley. The proposal includes deep eaves, of 20” on the main gable and 16” on the cross-gable, to protect the building’s exterior and to provide passive shading for the interior. *Therefore, this guideline is met.*

**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:** The primary resource is set in 7 feet from each side property line. The ADU is proposed to be located 7 ½ feet from each of the side property lines. This increased setback serves to reduce the visual impacts of the new development from the street, and from surrounding residences. The deep setback allows for deep landscape area that may further buffer the impacts. *Therefore, this guideline is met.*

**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:** The primary entrance area is oriented toward the street, with a secondary entrance opening toward the alley. A pathway and small covered front porch provides a clear entrance sequence, despite the door facing the side lot line. A projecting gable adds articulation and reduces the perceived mass of the building. Large windows at the ground level and the upper story dormer create a welcoming façade. To ensure consistency with the historic context, Condition of Approval E states that all trim shall be painted wood, of the same dimension and style as trim installed in the same conditions on the primary resource. *Therefore, with Condition of Approval E that painted wood trim shall match the primary resource in dimension and detailing, this guideline is 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 proposal includes windows with a horizontal muntin that looks comparable to a double hung window. The triple-pane wood windows have an awning style operable bottom sash. Condition of Approval D states that all windows, with the exception of the street-facing dormer windows, shall be the simulated double-hung style, to ensure consistency with the other windows on this proposal, and with the windows on the primary resource. Condition of Approval F states that all doors shall be wood. *Therefore, with Condition of Approval D, that all windows except the dormer windows, are wood, simulated double-hung style, and Condition of Approval F, that all exterior doors shall be wood, this guideline is met.*

**17. Crime Prevention.** Crime prevention elements should be included in the design with specific attention to landscaping, parking areas, walkways, lighting, entries, and visibility.

Windows and entries should not be obscured. Parking areas, walkways, and entries should be adequately illuminated for visibility.

**Findings:** The proposal includes windows on all four sides, including glazing in the front door. A light outside the front door serves to illuminate the steps up to the entrance, while enhancing the sense of security. *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 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

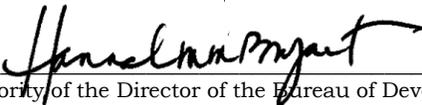
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal to replace an existing three-car garage with a new accessory dwelling unit fronting an alley meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of a 799 square foot accessory dwelling unit on the alley frontage, per the approved site plans, Exhibits C-1 through C-5, signed and March 13, 2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through G) must be noted on each of the four 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 18-241095 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. Lap siding shall have a maximum 5” exposure between courses.
- D. All windows shall be wood, simulated double-hung style.
- E. Painted wood trim shall match the primary resource in dimension and detailing.
- F. All exterior doors shall be wood.
- G. No field changes allowed.

**Staff Planner: Hannah Bryant**

**Decision rendered by:**  **on March 14, 2019**

By authority of the Director of the Bureau of Development Services

**Decision mailed March 18, 2019**

**Procedural Information.** The application for this land use review was submitted on September 20, 2018, and was determined to be complete on February 4, 2019.

*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 September 20, 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 did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: June 4, 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.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Recording the final decision.**

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **March 18, 2019** 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.

**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

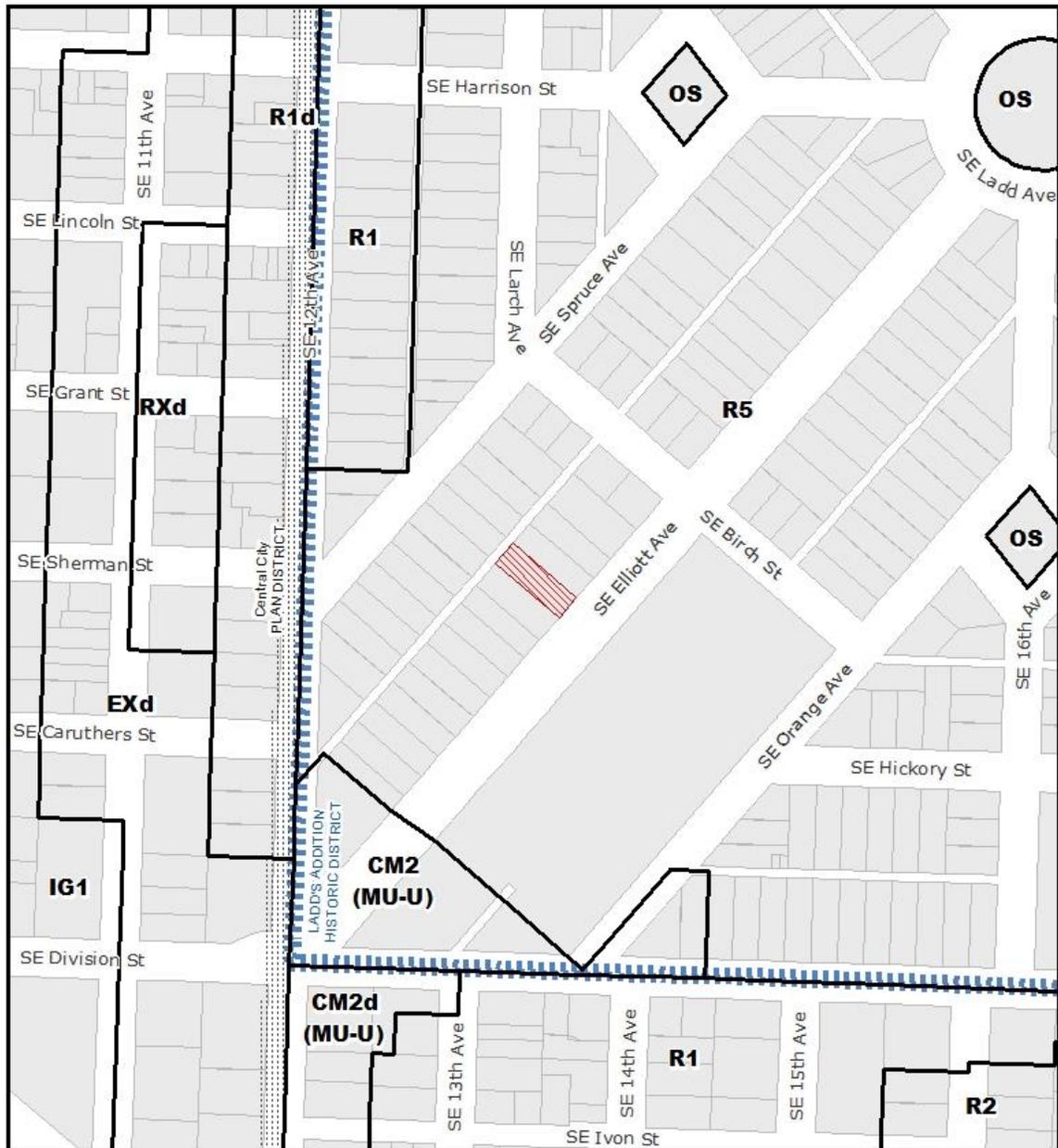
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Submittals
  1. Original Submittal
  2. Context Images
  3. Revised Submittal for Notice, dated January 10, 2019
  4. Floor Plans
  5. Window and Door Schedule
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. East Elevation
  3. West Elevation
  4. South Elevation
  5. North Elevation
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses: None
- F. Correspondence:
  1. Kunowski, Henry, December 24, 2018, Ladd’s Neighborhood Association suggests adding a faux garage door on the alley frontage and creating an ‘L’ shaped footprint to mitigate the mass and scale of a large ADU.
- G. Other:
  1. Original LU Application
  2. Incomplete Letter, October 3, 2019
  3. National Register Nomination Excerpt
  4. Revised Fees

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

 Site

File No.	LU 18-241095 HRM
1/4 Section	3231
Scale	1 inch = 200 feet
State ID	1S1E02CD 6700
Exhibit	B Sep 25, 2018

