



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

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Date: April 2, 2019
To: Interested Person
From: Grace Jeffreys, 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 19-118061 HR -
1830 SE 12TH AVENUE, NEW SKYLIGHT AND ROOF WINDOWS

GENERAL INFORMATION

Applicant/Owner: Simona A. Parau
 1830 SE 12th Ave. | Portland, OR 97214
Sparau27@gmail.com | 1-203-464-1858

Representative: Pat Sauer | The Design Department
 P.O. Box 69 | Lake Oswego, OR 97034
Designdeptinc@hotmail.com | 503-332-3796

Site Address: **1830 SE 12TH AVE**

Legal Description: LOT 3, LADD'S ADD BUNGAROWS
Tax Account No.: R463320150
State ID No.: 1S1E02CA 08603
Quarter Section: 3231
Neighborhood: Hosford-Abernethy, contact Michael Wade at wade.michael@comcast.net.

Business District: None
District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010.
Plan District: None
Other Designations: Site is in the Ladd's Addition Historic District.
Zoning: **R1**, Medium Density Multi-dwelling Zone
Case Type: **HR**, Historic Resource Review
Procedure: **Type II**, an administrative decision with appeal to the Landmarks Commission.

Proposal:
 Applicant requests historic resource review for the installation of one new skylight and two new roof windows (opening skylights) to a side-facing (north) roof on a residence that is considered a non-contributing resource in the Ladd's Addition Historic District. The residence is one of four homes incorporated within a row-house development constructed in 1996.

Because the skylight and roof windows will be installed on the portion of a pitched roof that faces more than 45 degrees from the rear lot line, the proposal is for non-exempt exterior alterations in a Historic District. Therefore, Historic Resource Review is required per Portland Zoning Code, Title 33.445.320.

Relevant Approval Criteria:

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
- Chapter 33.445 Historic Resource Protection Overlay zone
- Chapter 33.846 Historic Reviews

ANALYSIS

Site and Vicinity: The site is a 1,891 square foot wood-construction rowhouse built in 1996, on a 2,124 square foot lot. The home is part of a two-building development that is divided into four separate properties. The site in question is the southern half of the building located furthest north within the development. The buildings are positioned on the western edge of the Ladd's Addition Historic District, and the individual site has 18 linear feet of frontage along SE 12th Avenue. The block is bordered on the northeast by SE Mulberry Avenue and on the south by SE Harrison Street. The buildings are stylistically based on the district's historic bungalows, with raised overhanging front porches, a traditional building setback, and small detached garages adjacent to the back alley. Single-family residences and one to two story commercial properties characterize the neighborhood.

The site is not located within a Pedestrian District. The City's Transportation System Plan (TSP) classifies the abutting rights-of-way (ROWs) as follows:

- SE 12th Avenue is classified as a Neighborhood Main Street, a Traffic Access Street, a Transit Access Street, a City Bikeway and Walkway, and has regular bus service.

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.

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 February 25, 2019.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 25, 2019. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

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. 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.

Findings for 1, 3 and 4: The project proposes no street facing façade changes. The proposal is for the installation of one new skylight and two new roof windows (opening skylights) to a side-facing (north) pitched roof on a residence that is considered a non-contributing resource in the Historic District. The existing roof shape and pitch will not be altered, and existing roofing material will remain. The proposed skylight and roof windows are set back from the front street edge of the roof, will project approximately 5 inches above the surface of the roof, and should have little impact on the on the front, street-facing façade. *These guidelines are therefore 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. The presence of the new skylights on the side-facing roof will have a minimal visual impact on the development due to their setback location and limited projections. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of one new skylight and two new roof windows (opening skylights) to a side-facing (north) roof on the residence, per the approved site plans, Exhibits C-1 through C-6, signed and dated March 29, 2019, 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 19-118061 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: Grace Jeffreys

Decision rendered by:  **on March 29, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed: April 2, 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 **February 8, 2019** and was determined to be complete on **February 21, 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 **February 8, 2019**.

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 21, 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 April 16, 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.

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 **April 16, 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.

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

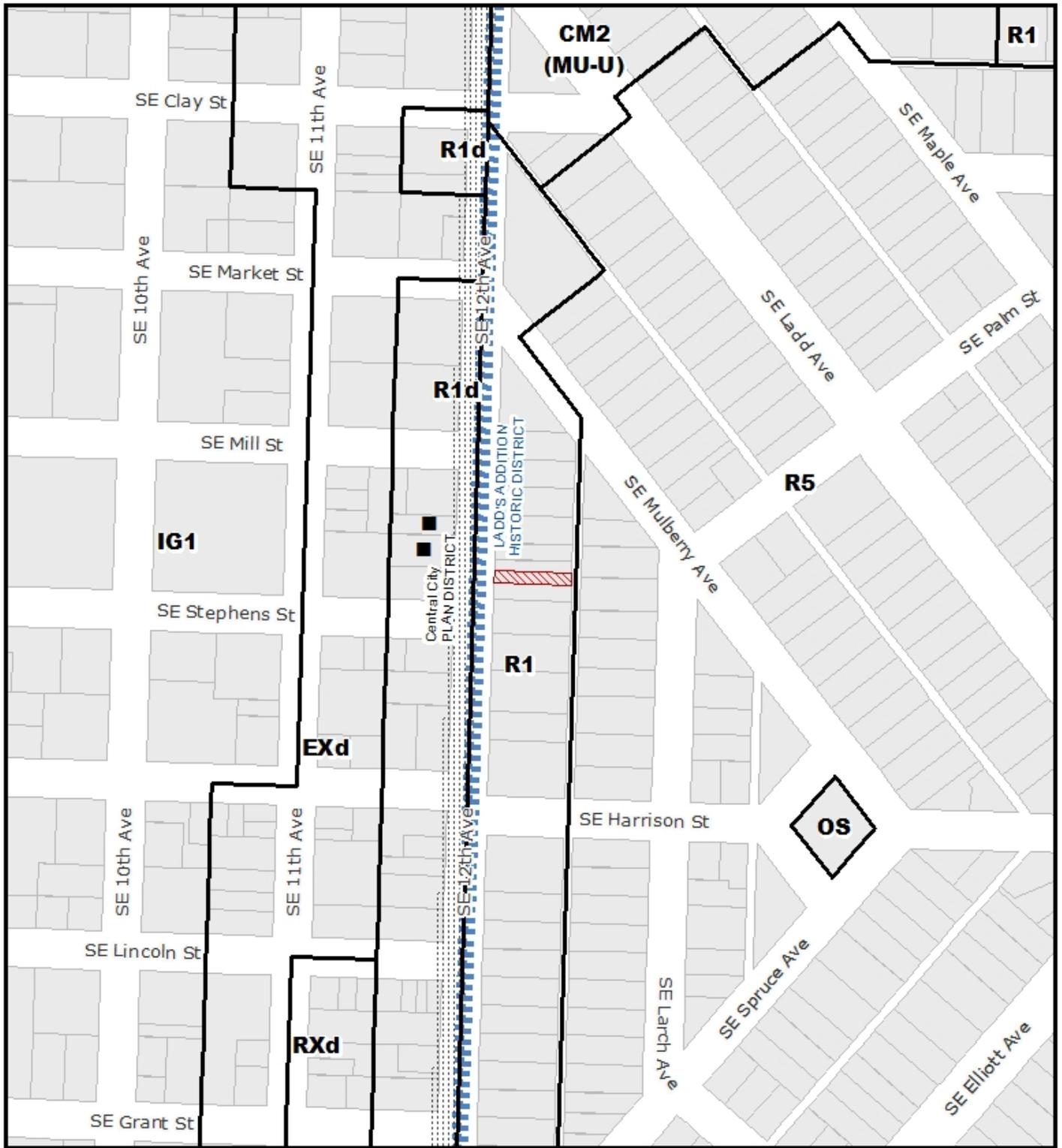
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Statement
 - 1. Initial Submission, 2/8/19
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan and West Elevation (attached)
 - 2. Plans
 - 3. Sections
 - 4. Cutsheets – skylight
 - 5. Cutsheets – roof windows
 - 6. Cutsheets – roof windows
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none received
- F. Correspondence: none received
- G. Other:
 - 1. Original LU Application
 - 2. Site Images

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
 Historic Landmark

File No. LU 19-118061 HR
 1/4 Section 3231
 Scale 1 inch = 200 feet
 State ID 1S1E02CA 8603
 Exhibit B Feb 11, 2019

The Design Department
City of Portland
Portland, Oregon

Per. Stamp
Designer
Liam J. ...
Liam J. ...
500 ...

ATTIC CONVERSION TO LIVINGSPACE FOR:
1830 SE 12th Ave
Portland, Oregon

Site Plan
SE 12th
Existing Elevation

REVISIONS

NO. 1	DATE	BY	DESCRIPTION
1	02.08.19		

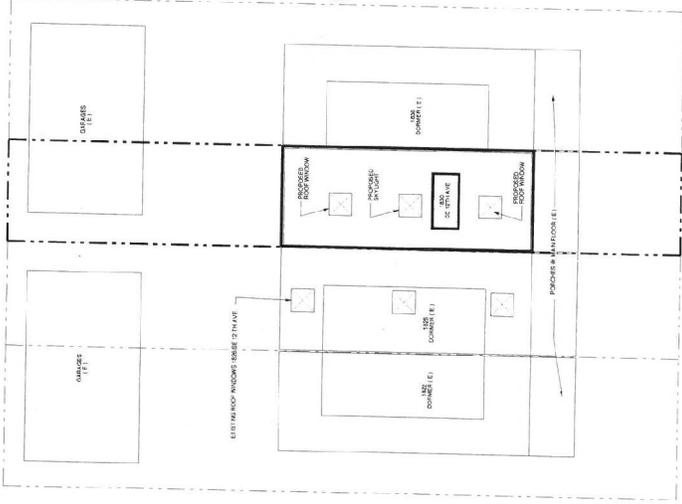
DATE: 3/29/19
PROJECT NO.: 3818
SHEET 1

Approved
City of Portland
Bureau of Development Services
Planner
Date 3/29/19
This approval applies only to the reviews and conditions of approval. Additional zoning requirements may apply.

EXH. C.1

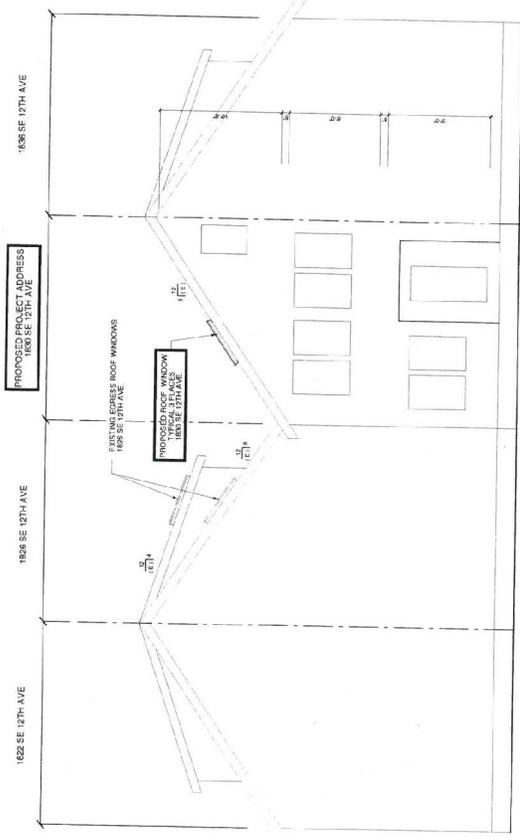
NOTE: Dimensions on this drawing shall take precedence over all other dimensions. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for all utility work. The contractor shall be responsible for all utility work.

ABBREVIATIONS



SE 12TH AVE.

1 SITE PLAN
SCALE: 1/4" = 1'-0"



NO ALTERATIONS, ADDITIONS, OR DELETIONS TO THE EXISTING FACILITY SHALL BE SHOWN.

2 EXISTING WEST ELEVATION - SE 12TH AVE
SCALE: 1/4" = 1'-0"

LA 19-118061 HR