



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

Ted Wheeler, Mayor
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Date: 1/2/2020
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 19-243186 HR – REPLACEMENT OF SIDING, WINDOWS, DOOR, PORCH COLUMNS & ADDITION OF ROOF OVERHANG

GENERAL INFORMATION

Applicant/Owner: Danny Nedelisky | MJN Builder LLC
7500 SE 162nd Ave | Portland, OR 97236-4846

Representative: Michael Nedelisky | MJN & Associates
5878 SE 29th Terrace | Gresham, OR 97080

Site Address: 2229 SE CYPRESS AVE

Legal Description: BLOCK 28 LOT 23, LADDS ADD
Tax Account No.: R463306400
State ID No.: 1S1E02DC 02600
Quarter Section: 3232

Neighborhood: Hosford-Abernethy, contact Michael Wade at wade.michael@comcast.net.
Business District: Division-Clinton Business Association, contact at info@divisionclinton.com

District Coalition: Southeast Uplift, contact Leah Fisher at 503-232-0010 x313.

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

Zoning: **R5** – Residential 5,000 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 is seeking Historic Resource Review approval for alterations to the *Lee & Ethel Andrus House*, a non-contributing resource in the Ladd's Addition Historic District. The proposal includes:

- Replacing most windows with double pane wood windows and restoring the two original windows on the street elevation;
- Replacing the house's round aluminum front columns with tapered square columns with lap column base;
- Removing existing non-original aluminum and restoring the original lap siding where possible and otherwise replacing with cedar lap siding with same reveal and plank depth as original siding;
- Replacement of non-original front door; and
- Addition of 12" overhang on the north and south sides of the house to the front of the entry porch.

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 specified in the Portland Zoning Code. The relevant approval criteria are:

- Ladd's Addition Conservation District Guidelines

ANALYSIS

Site and Vicinity: The subject single-family house is a non-contributing resource in the Ladd's Addition Historic District. The *Lee & Ethel Andrus House* is a one and a half story bungalow built in 1924 designed and built by L.C. Lauman. The house features a side-gable roof and horizontal board siding currently covered over with aluminum siding. The building has a typical mid-block setback. The house sits back from the street on a 5,120 SF lot facing northeast onto SE Cypress Ave.

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 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.

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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 **November 12, 2019**. The following three Bureaus, Divisions and/or Sections responded with no objections and one of these included comments found in Exhibit E1:

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

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 12, 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. 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.

4. 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.

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

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.

Findings for 1, 3, 4, 5, and 6: The proposed renovations will not adversely affect the essential structure of the *Lee & Ethel Andrus House*, a non-contributing resource in the Ladd's Addition Historic District, nor will they detract from what historic character the property still possesses. The proposal does not expand the home's building envelope, significantly alter its roof form, or remove other remaining defining characteristics. While the proposed alterations will occur on all four of the building's facades, the renovations will not significantly detract from the building's architectural integrity. Generally, the exterior alterations proposed are sympathetic with the original house, adjacent properties and the rest of the district. Because the front façade will retain its original windows and all other changes will move the house closer to its original character the visual impact of the proposed alterations on the pedestrian realm will be minimal. Where change occurs on the front of the house, they will be positive.

The proposal is a deferential alteration using like materials and construction compatible with the original structure. The materials and design proposed will match or be compatible with the predominant materials originally used on the house. The initial proposal featured replacement of the home's two original windows on its front façade and replacement of the current cladding with fiber cement lap. These alterations would have taken away from the character of the house and Historic District. The applicant revised the proposal to preserve and restore the front windows and original wood siding where possible and use new wood siding where restoration is not possible. The existing aluminum front columns, front door, and aluminum siding to be removed are not original features of the house and lack any historic significance. The new columns will be compatible in size, scale, and materials with the house. Any new siding will be made of wood, have a matching profile to original clapboard still found under aluminum cladding on the rest of the house, and be painted to match. The roof form of the existing house will remain the same while the new north and south overhangs will be harmonious with the original building and create a more traditional sensibility. The

proposed work will not detract from the historic character of this non-contributing resource in the Ladd's Addition Historic District.

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 visual impact of the proposed alterations will be in keeping with the historic character of the house and district. The project will not detract from the historic aesthetic of the Lee & Ethel Andrus House, a non-contributing resource in the Ladd's Addition Historic District. The proposal will retain the original front windows and as much original siding as possible and make other changes that are appropriate for the house. 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 [specific proposal description], per the approved site plans, Exhibits C-1 through C-8, signed and dated 12/26/2019, 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 19-243186 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 12/26/2019**

By authority of the Director of the Bureau of Development Services

Decision mailed: 1/2/2020

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 21, 2019, and was determined to be complete on November 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 October 21, 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: 3/3/2020.**

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 1/16/2020** 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 **1/16/2020** 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:

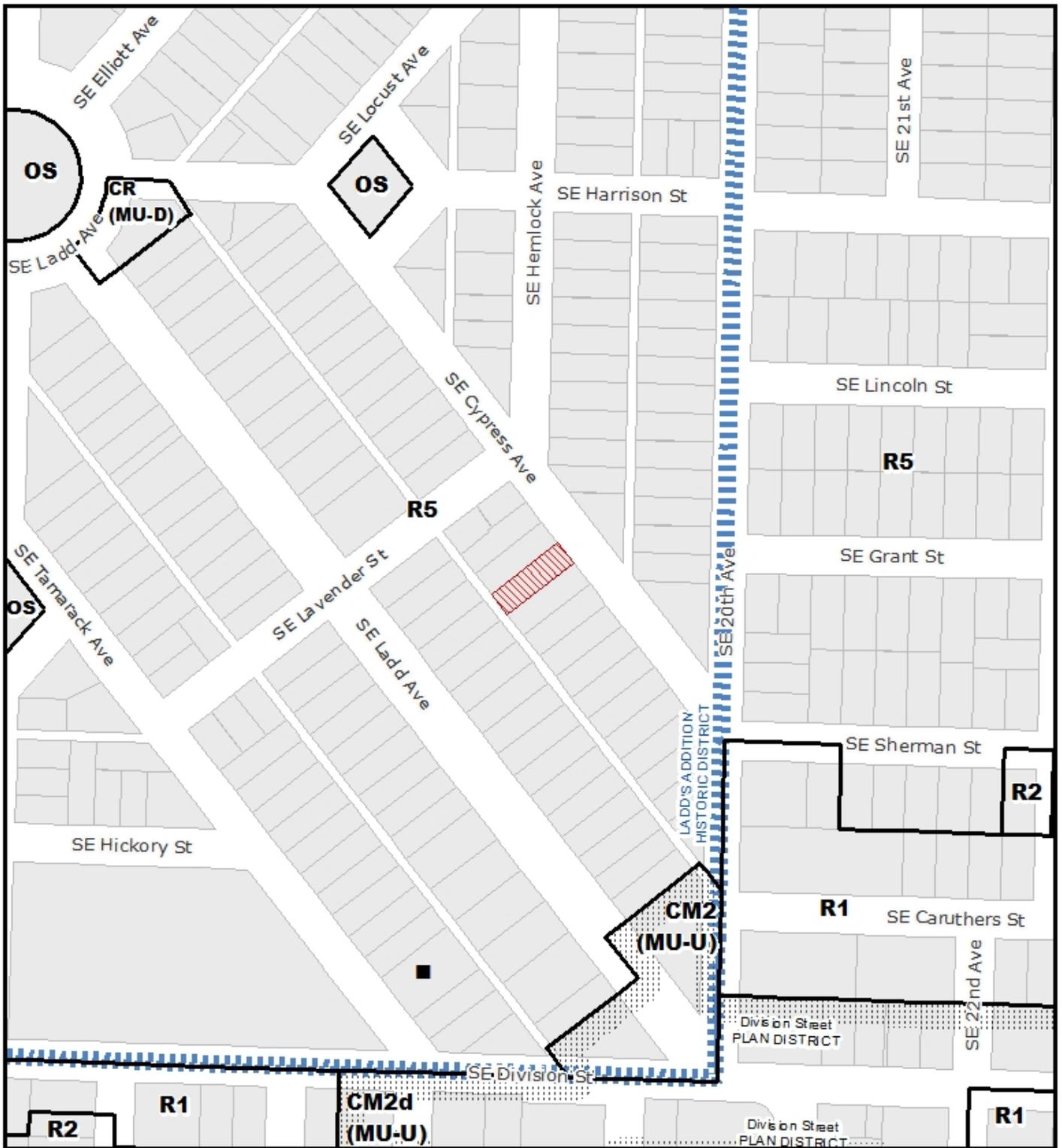
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 1. Applicant's Project Narrative
 2. Photos of Existing Conditions
 3. Original Proposed Front Elevation – NOT APPROVED/reference only
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Main Level Plan
 3. Upper Level Plan
 4. Existing and Proposed East (Front) Elevations (attached)
 5. Existing and Proposed West (Rear) Elevations
 6. Existing and Proposed South Elevations
 7. Existing and Proposed North Elevations
 8. Window Details
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Division of the Bureau of Development Services
- F. Correspondence: No responses received
- G. Other:
 1. Original LU Application
 2. Oregon Historic Site Record

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
 LADD'S ADDITION HISTORIC DISTRICT

 Site
 Historic Landmark

File No.	LU 19 - 243186 HR
1/4 Section	3232
Scale	1 inch = 200 feet
State ID	1S1E02DC 2600
Exhibit	B Oct 23, 2019

Mike Nedelisky
503.986.5586
mike@mjbuilder.com

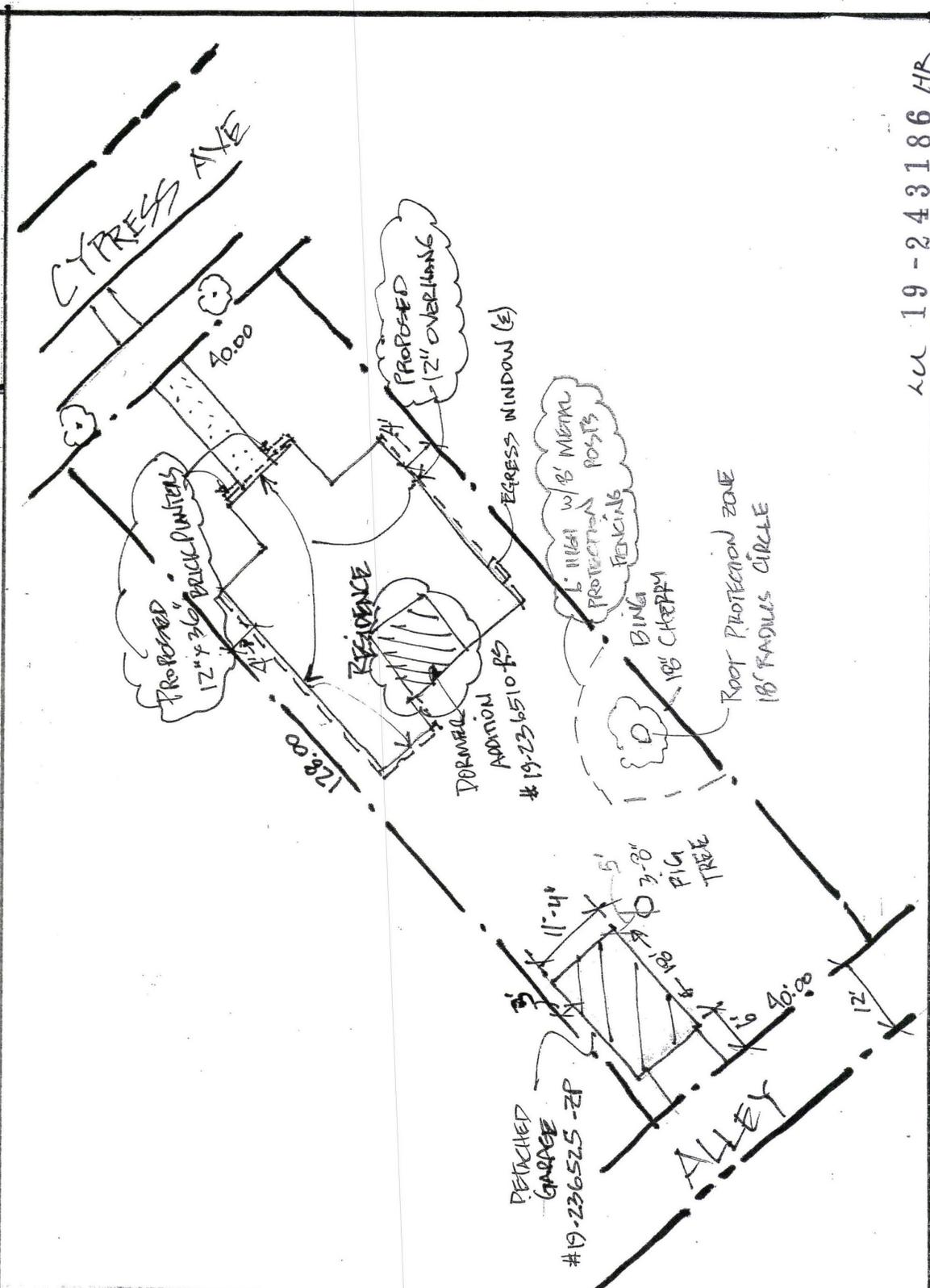
mjbuilder

2229 SE CYPRESS AVE

SITE PLAN



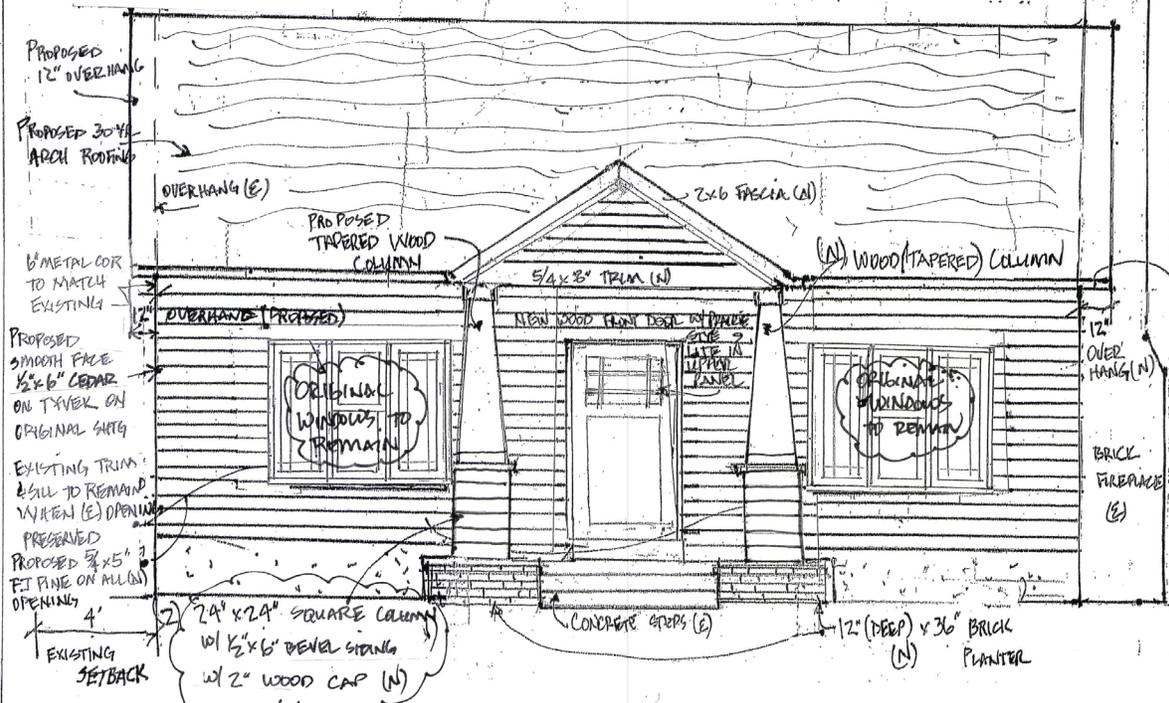
Approved
City of Portland - Bureau of Development Services
Planner _____
Date 12/26/2019
This approval applies only to the reviews requested and is subject to all other requirements of approval. Additional zoning requirements may apply.



LCU 19-243186 HP

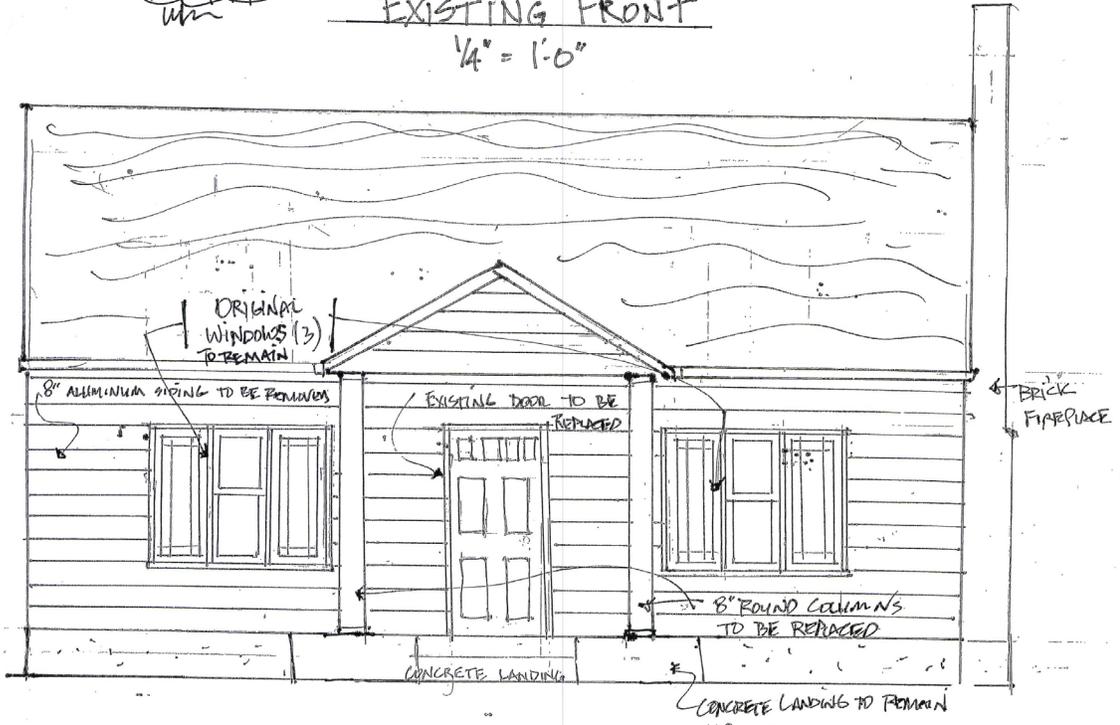
* This approval applies only to the reviews requested and is subject to the conditions of approval. Additional zoning requirements may apply.

1/4" = 1'-0"



EXISTING FRONT

1/4" = 1'-0"



	<p>3</p> <p>Mike Nedelisky 503.936.5586 mike@mjnbuilder.com ocb# 203168</p>	<p>2229 SE Cypress Ave.</p>	
		<p>STREET ELEVATIONS</p>	

REVISED 12/2/19

C-4

C-4