



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 5, 2020
To: Interested Person
From: Hannah Bryant, Land Use Services
503-823-5353 / Hannah.Bryant@portlandoregon.gov

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 20-107865 HR – SOLAR IN LADD’S HISTORIC DISTRICT

GENERAL INFORMATION

Owner: Raymond Francis Phelan & Nanette Marie Laufik
2221 SE Elliott Ave
Portland, OR 97214

Applicant: Justin Lee & Brion Wickstrom | Syncro Solar
2870 NE Hogan Dr, Ste E240
Gresham, OR 97030
503-758-9599

Site Address: 2221 SE ELLIOTT AVE

Legal Description: BLOCK 5 LOT 25 SLY 20' OF LOT 28, LADDS ADD
Tax Account No.: R463301000
State ID No.: 1S1E02CD 06400
Quarter Section: 3231
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 accessory building behind contributing historic 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 proposal is for thirteen solar panels to be installed on the southwest-facing gable of a non-contributing Accessory Dwelling Unit (ADU) on an alley in Ladd’s Addition. The ADU is located behind a contributing-resource home. The ADU was approved through a previous historic resource review (LU 16-209787). The panels will not be visible from the SE Elliot Street right-of-way.

Historic Resource Review is required for non-exempt development in the Ladd’s Historic District.

Relevant Approval Criteria:

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

- *Ladd’s Addition Conservation District Guidelines*

ANALYSIS

Site and Vicinity: The 7680 square foot property located in the southwest quadrant of the historic district includes a two and a half story Craftsman Style residence historically known as the Clinton Wood House. The house is a contributing resource and was built in 1922. The existing garage on site is a non-contributing resource within the Ladd's Addition Historic District.

The Ladd’s 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. 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.

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. 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 the streetcar lines.

Within a quarter-mile (roughly a five-minute walk) from the site, there are a numerous restaurants, cafes and shops within this range both to the west along SE 11th and 12th Avenues, and to the south along SE Division Street. Open space amenities can be found in the Ladd’s Rose Gardens Circle and Square as well as the nearby Abernethy Elementary School. Transportation amenities adjacent to the site include frequent bus service on SE 11th, SE 12th and along SE Division Street. These streets are also designated as City Bikeways in the Transportation System Plan (TSP).

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 that prior land use reviews include the following:

- LU 16-209787 HR – Historic Resource Review approval of a new 745sf ADU.
- LU 19-188489 HR – Historic Resource Review approval of exterior alterations at the rear of the primary resource.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **February 7, 2020**. The following Bureaus have responded with no issues or concerns:

- Life Safety Section of BDS
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 7, 2020. 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.

2. 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.

Findings for 1 and 2: Staff conducted a site visit to verify that the proposed solar panels are not visible from the surrounding streets. The solar panels will be visible from the alley, but since alleys are not considered streets, per the Title 33.910 definition, the integrity of the street-oriented façade is maintained. The panels are proposed to be installed parallel to the gable roof form, which will retain the original roof shape and pitch. With a Condition of Approval that the maximum distance from top surface of panels to face of roof surface below shall be no more than five inches, the proposed panels will be minimally visible from the street.

With the Condition of Approval that the maximum distance from top surface of panels to face of roof structure below shall be no more than five inches, these guidelines 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 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 meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

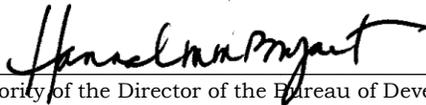
Approval of new solar installation on the southwest facing gable roof of a non-contributing ADU, per the approved site plans, Exhibits C-1 through C-3, signed and dated March 3, 2020 subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 20-107865 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. The maximum distance from top surface of panels to face of roof structure below shall be no more than five inches.
- D. No field changes allowed.

Staff Planner: Hannah Bryant

Decision rendered by:  **on March 3, 2020**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 5, 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 January 21, 2020, and was determined to be complete on February 4, 2020.

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 January 21, 2020.

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 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 March 19, 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 on or after **March 20, 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:

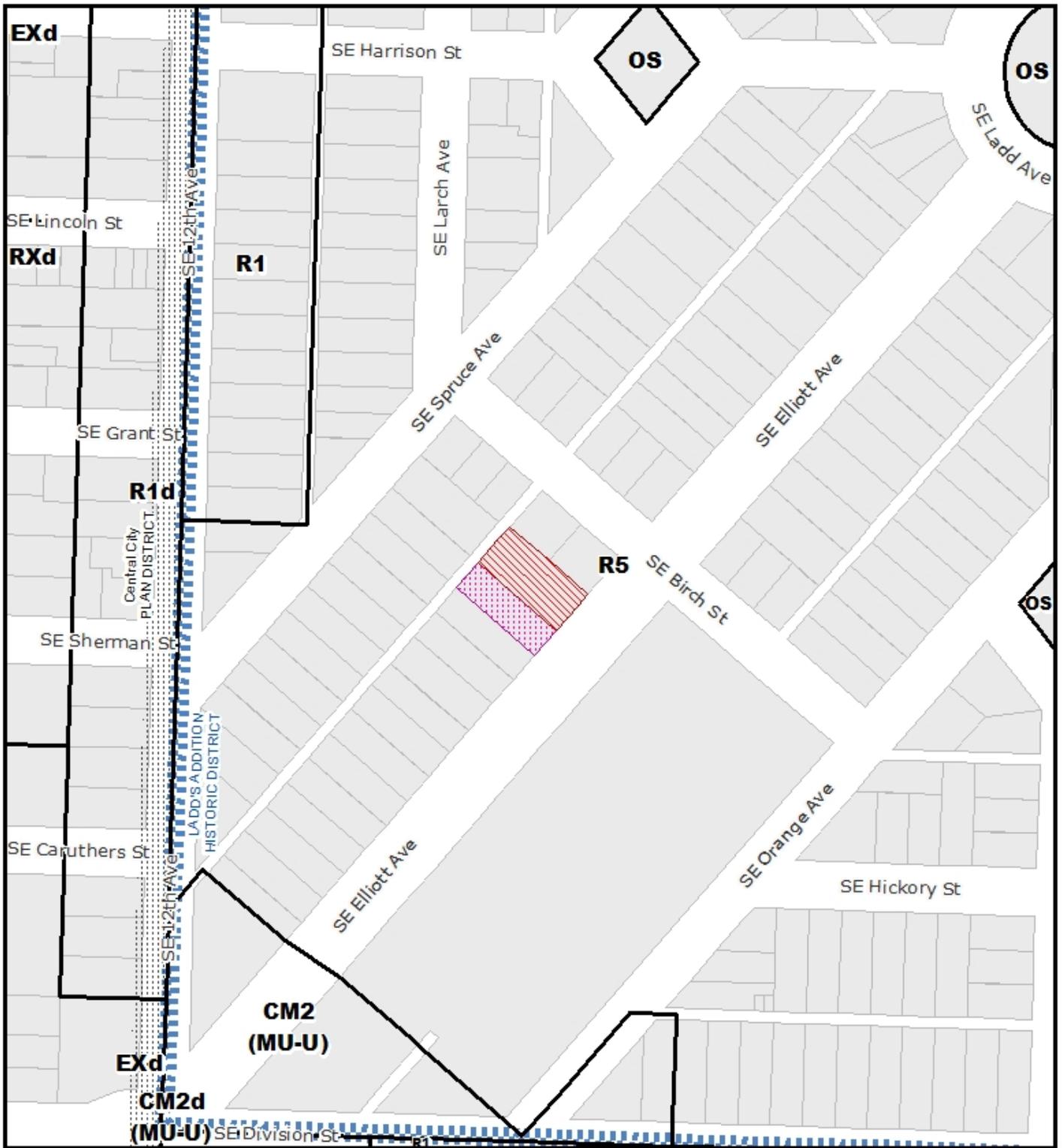
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant’s Submittals
 - 1. Written Statement
 - 2. Site Photos (3 sheets)
 - 3. Email from applicant agreeing to Condition of Approval C
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Enlarged Roof Plan
 - 3. Section & Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence: None
- G. Other:
 - 1. Original LU Application
 - 2. Original ADU Elevations

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
-  Also Owned Parcels

File No.	LU 20 - 107865 HR
1/4 Section	3231
Scale	1 inch = 163 feet
State ID	1S1E02CD 6400
Exhibit	B Jan 24, 2020

PROJECT NAME
 PHELAN

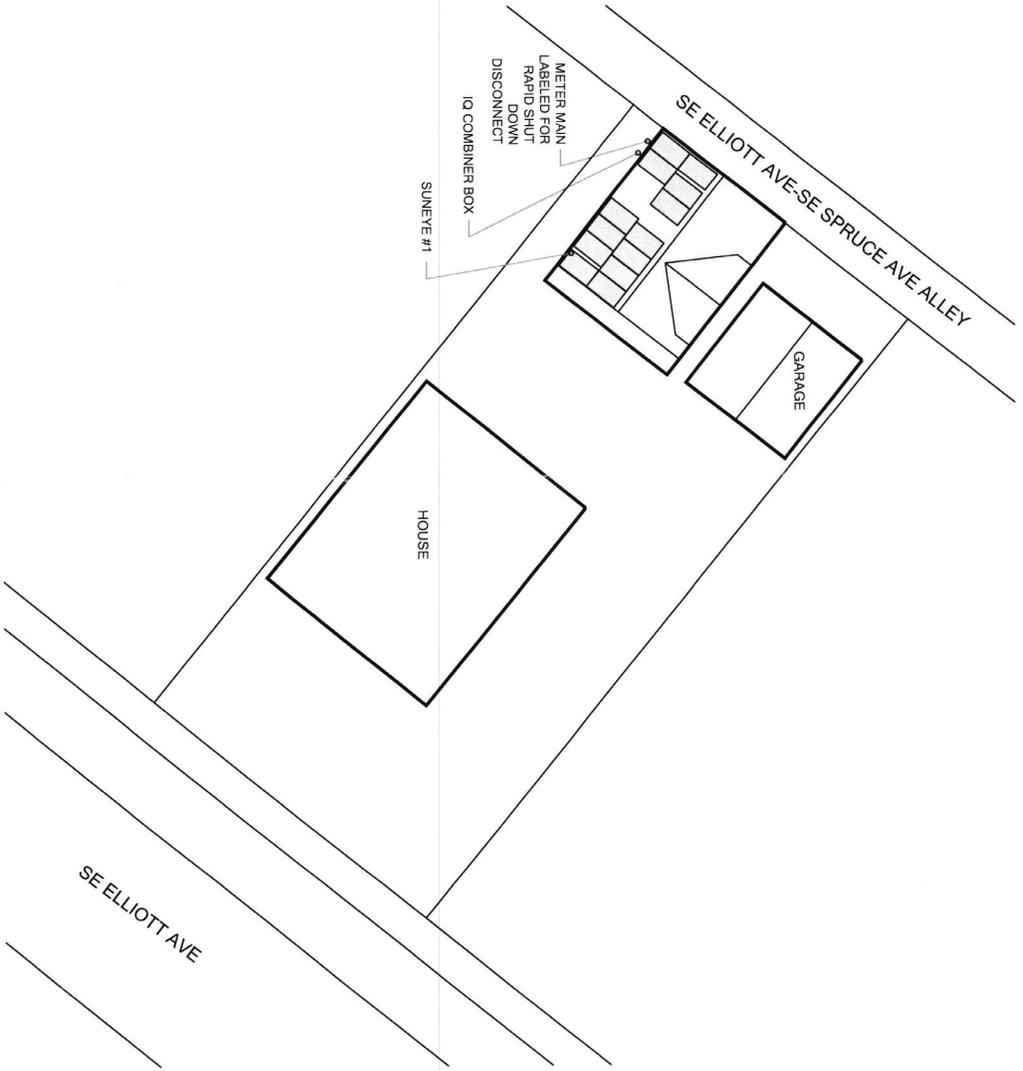
SITE ADDRESS
 2221 SE ELLIOTT AVE
 PORTLAND, OR 97214

DATE
 11-15-19

REVISION
 1-9-20

Site Plan
 D.02

NORTH
 1. SITE PLAN
 Scale: 1" = 20'-0"



NOTE:
 THIS SITE PLAN IS NOT A SURVEY AND IS NOT TO BE USED AS A REFERENCE FOR THE LOCATION OF PROPERTY LINES.

Approved
 City of Portland - Bureau of Development Services
 Planner *Haf* Date *3-3-2020*
 This approval applies only to the reviews requested and is subject to all applicable codes. Additional zoning requirements may apply.