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

Date: July 13, 2020

To: Interested Person

From: David Besley, Land Use Services
503-823-7282 / David.Besley@portlandoregon.gov

NOTICE OF A TYPE I REVISED 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 20-114335 HR – ADU IN LADD'S ADDITION

GENERAL INFORMATION

This is a revised decision because the applicant is proposing to change the location and orientation of the proposed Accessory Dwelling Unit (ADU). All new language and dates are underlined for ease of reading. We need to receive your written comments by 5 p.m. on August 3, 2020. Please email your comments to me at my email address identified above, and include the Case File Number, LU 20-114335 HR, in your email. Please note that all correspondence received will become part of the public record.

Applicant: Michelle Jeresek
Ivon Street Studio
1028 SE Water Ave #260
Portland, OR 97214

Owner: Peter Ritson
2243 SE Elliott Ave
Portland, OR 97214

Site Address: 2243 SE ELLIOTT AVE

Legal Description: BLOCK 5 LOT 20, LADDS ADD
Tax Account No.: R463300970
State ID No.: 1S1E02CD 06700
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

Zoning: R5 – Single Dwelling Residential 5,000 with Historic Resource Protection
Case Type: HR – Historic Resource Review

Procedure: Type I, an administrative revised 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 576 square feet and is 650 square feet total, including the second story loft. It is proposed to have a west-facing entrance.

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

Relevant Approval Criteria:
In order 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

ANALYSIS

Site and Vicinity: The subject property is a 5,120 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:
LU 18-241095 HR: Approval of a 799 square foot accessory dwelling unit on the alley frontage, subject to conditions requiring a maximum 5" lap siding exposure, that all windows be wood, simulated double-hung style, that painted wood trim match the primary resource in dimension and detailing, that all exterior doors be wood, and that a Certificate of Compliance form must be submitted to ensure the permit plans comply with the Historic Resource Review decision.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **May 5, 2020**. No other bureaus review or comment on Type I land use proposals.

Neighborhood Review: No written responses were 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 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 proposed ADU is sited between the back of the existing house and the alley to the north. It is proposed to face west, toward the side yard, rather than south, toward SE Elliott Avenue. Only about 3 1/2 feet of the proposed ADU's southeast corner will be visible from SE Elliott and will be obscured by existing shrubs (which the applicant notes will remain). 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 Elliott Avenue/SE Spruce Avenue

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. The primary resource is a 1 ½ story English Cottage style home, and the accessory dwelling unit will have a lower height than the primary resource. The proposal is for a small accessory dwelling unit with an upper story loft. Its 15-foot 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: Verticality of this accessory structure is accentuated by the steep roof pitch (9:12) and the vertical orientation of the windows on the north and south façades. *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 6" 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 of the ADU is proposed to be sided with 4-inch exposed wood lap siding, which is consistent with predominant materials used on buildings of a similar use within the district. *Therefore, 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 gable. *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 back 3 feet from the side (east) property line and 4 feet from the rear, alley-fronting (north) property line. Given the dimensions and design of the structure, this ADU could be constructed abutting the north and east property lines; thus, the increased setback over what is allowed by code serves to reduce the visual impacts of the new development from the street, and from surrounding residences. *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 entrance area is oriented toward the side yard. No front porch is proposed, consistent with the simple forms of an accessory structure. Instead a small gabled roof overhang is proposed at the entry with arched brackets. To ensure consistency with the historic context, Condition of Approval C 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 C 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 wood sashes, wood doors and frames, and wood trim for both. Windows are vertical in proportion. Window operation consists mostly of casement windows, which match the existing front gable-end casement windows of the primary house and provide egress in the case of the ground level north-facing windows. A 54” x 54” picture window centered between the entry door and southwest corner replicates a typical front elevation picture window seen at the primary house and other Ladd's Addition historic homes. *Therefore, 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 but one façade (the west façade). A light outside the front door serves to illuminate 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 REVISED DECISION

Approval of a 650 square foot accessory dwelling unit on the alley frontage, per the approved site plans, per the approved site plans, Exhibits C-1 through C-2, 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 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 20-114335 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. Painted wood trim shall match the primary resource in dimension and detailing.

Staff Planner: David Besley

Decision rendered by: _____ **on July 13, 2020.**
By authority of the Director of the Bureau of Development Services

Decision mailed July 13, 2020

Procedural Information. The application for this land use review was submitted on February 4, 2020, and was determined to be complete on April 30, 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 February 4, 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: August 28, 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.

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.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and limited accessibility to files, only digital copies of material in the file are available for viewing. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at https://www.portlandoregon.gov/citycode/28197.

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 **July 14, 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, permitees must demonstrate compliance with:

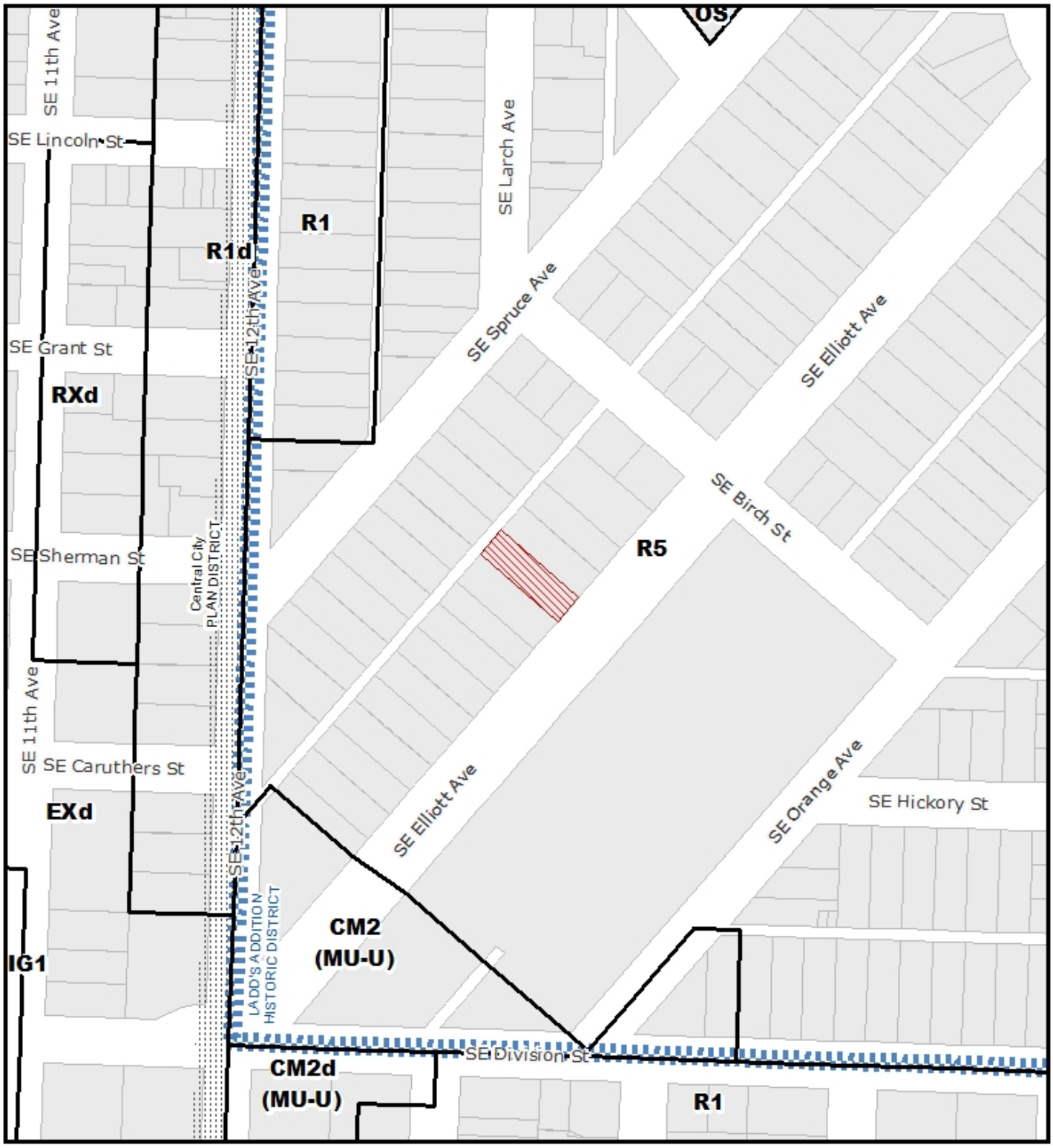
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

A. Applicant's Statement
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. Elevation Drawings (attached)
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses: none
F. Correspondence: none
G. Other:
   1. Original LU Application and receipt
   2. Incomplete letter from BDS to applicant to February 19, 2020

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).



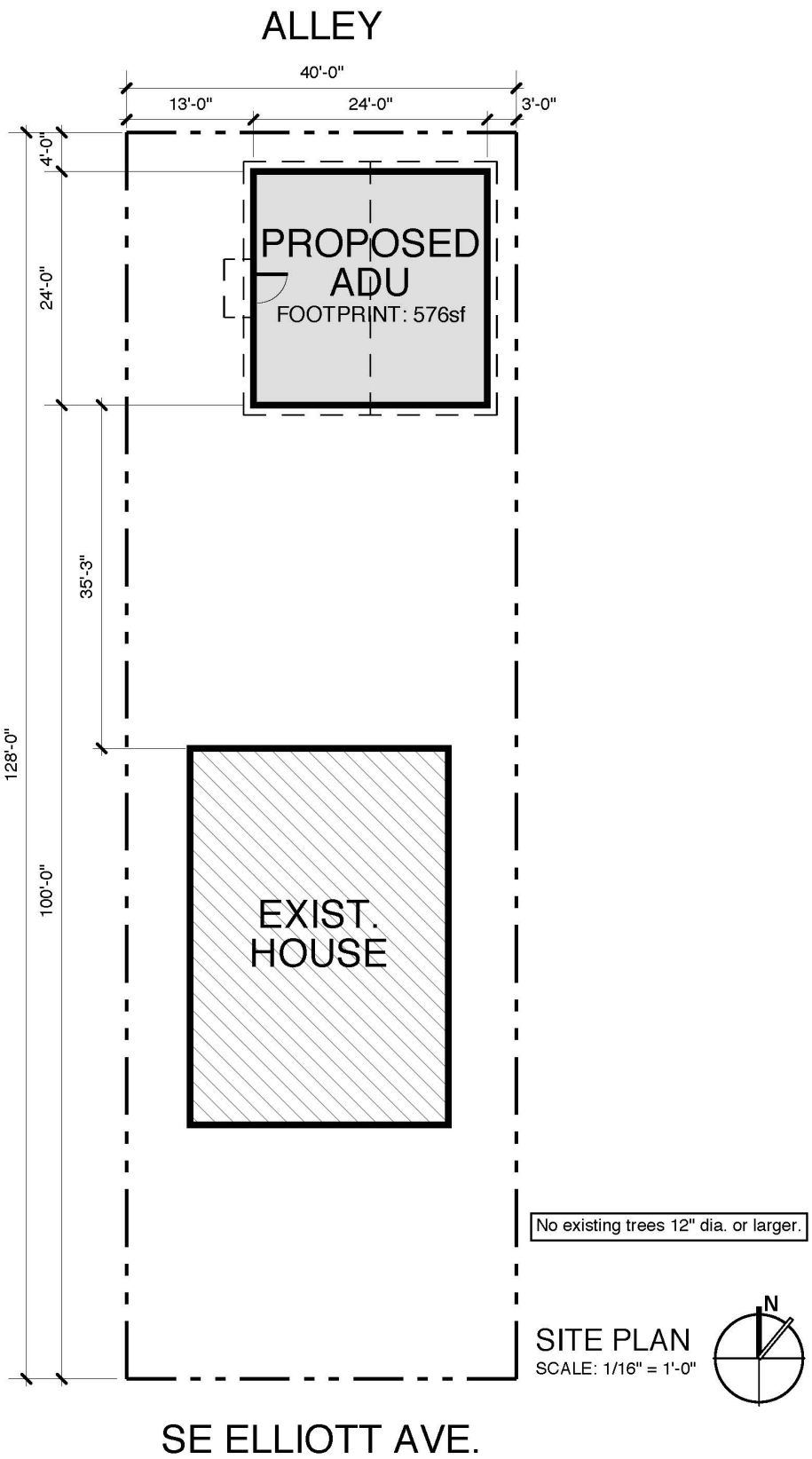
ZONING

NORTH

LADD'S ADDITION HISTORIC DISTRICT

Site

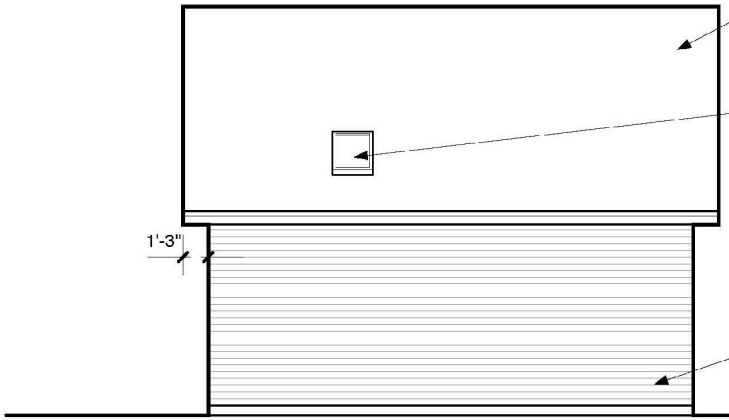
File No.	LU 20 - 114335 HR
1/4 Section	3231
Scale	1 inch = 163 feet
State ID	1S1E02CD 6700
Exhibit	B Feb 05, 2020



Ritson ADU

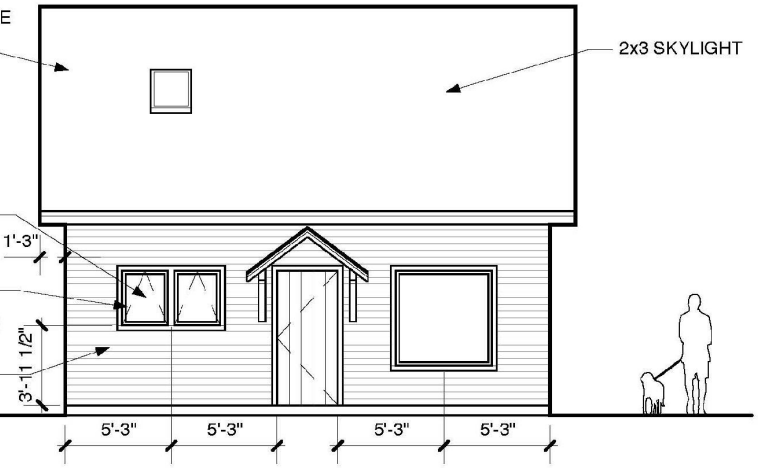
2243 SE Elliott, Portland, Oregon

IVON
STREET
STUDIO



EAST ELEVATION

SCALE: 1/8" = 1'-0"

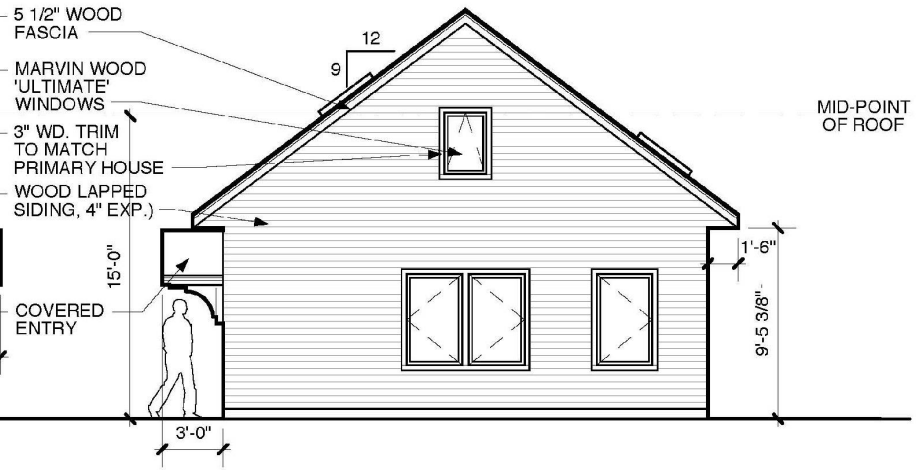


WEST ELEVATION

SCALE: 1/8" = 1'-0"

NORTH (ALLEY) ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

Ritson ADU

2243 SE Elliott, Portland, Oregon

IVON STREET STUDIO