



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

Carmen Rubio, Commissioner
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Date: March 31, 2023
To: Interested Person
From: Hillary Adam, 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 23-007588 HR – EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Jeffrey Kelly jeffreykellydesigns@outlook.com / 925-360-9949
Jeffrey Kelly Designs LLC
4224 SE Rex St
Portland OR 97206

Owner: Kristi Hauke
Willard Ely
2312 SE Ladd Ave
Portland, OR 97214

Site Address: 2312 SE LADD AVE

Legal Description: BLOCK 28 LOT 16, LADDS ADD
Tax Account No.: R463306210
State ID No.: 1S1E02DC 02900
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 Matchu Williams at matchu@seuplift.org

Plan District: None
Other Designations: Contributing resource in the Ladd's Addition Historic District

Zoning: R5 – Residential 5,000 with Historic Resource overlay zone

Case Type: HR – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant proposes exterior alterations to a contributing resource in the Ladd's Addition Historic District to include:

- Construction of a 2nd floor dormer at the rear-facing slope of the roof;
- Removal of two windows and a door on the northwest (side) façade, to be replaced with a tripartite window and infill siding and foundation wall to match;
- Removal of two windows on the northeast (rear) façade, to be replaced with a pair of French doors and a transom window;
- All windows and doors to be made of wood;
- New and infill shingle siding is cedar.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations in a historic district.

Relevant Approval Criteria:

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

- Ladd's Addition Conservation District Guidelines

ANALYSIS

Site and Vicinity: The subject property is a 1½-story Bungalow constructed in 1923 by J.W. McFadden Building Company. It is oriented southwest on SE Ladd Avenue and features a side-facing gable roof with exposed rafter tails and a front-facing shed dormer. The house is a contributing resource in the Ladd's Addition Historic District, as its single-car garage at the rear alley. Immediately adjacent properties consist of a mix of contributing and noncontributing resources, all residential dwellings of a similar vintage.

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.

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 zones implement the comprehensive plan policies and designations for single-dwelling housing and provide options for infill housing that is compatible with the scale of the single-dwelling neighborhood. Generally, minimum lot size is 3,000 square feet with minimum width and depth dimensions of 36 and 50 feet, respectively, and a maximum density of 1 lot per 5,000 square feet of site area. For attached houses, minimum lot size is 1,500 square feet with minimum width and depth dimensions of 15 and 50 feet, respectively, and a maximum density of 1 lot per 1,500 square feet of site area.

The historic resource overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

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 24, 2023. The following Bureaus have responded with no issues or concerns:

- Life Safety Division of BDS (Exhibit E-1)
- Bureau of Parks-Forestry Division (Exhibit E-2)
- Bureau of Environmental Services (Exhibit E-3)
- Bureau of Transportation Engineering (Exhibit E-3)
- Water Bureau (Exhibit E-3)
- Fire Bureau (Exhibit E-3)
- Site Development Section of BDS (Exhibit E-3)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 24, 2023. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Richard Zernickow, on March 3, 2023, wrote in support.

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.

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.

Findings for 1 and 5: No changes are proposed to the front façade of the house. *These guidelines are met.*

2. Foundations. Changes to the foundation should match or be compatible with the original foundation in height and materials.

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.

Findings for 2 and 3: The narrative indicates that there are no changes to the foundation, however, this is inaccurate as minimal changes to the foundation are proposed at the rear of the house. Specifically, where the existing side door is to be removed, infill is shown on the elevation drawing and it appears this is intended to match the adjacent concrete foundation. Likewise, where a new door will be installed at the rear façade, some foundation wall will be removed in order to allow at-grade access. Notably, the narrative indicates that this appears to be the original location of a rear door based on evidence in the foundation wall. Because the elevation drawings are not notated to indicate the material of the new foundation area, staff has added a condition that areas of new foundation wall will be infilled with concrete and painted to match the adjacent foundation material.

Additionally, the elevations show the areas where windows are to be removed and replaced with new windows, plus solid wall will be clad to match the existing exterior walls which are clad with shingles. The narrative also indicates that new siding will be double course staggered cedar siding. To ensure the new materials will match, staff has added a condition that new siding shall match the existing cedar shingle siding.

With the conditions that new foundation wall will be infilled with concrete and painted to match the adjacent foundation material and that new siding shall match the existing cedar shingle siding, these guidelines are met.

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.

Findings: The original primary roof shape and pitch, existing front dormer, chimney, and exposed rafter tails will be maintained. The new dormer addition is inset from the first floor exterior walls by approximately 18". In order to achieve a habitable and comfortable interior height, the roof slope is quite shallow, necessitating the application of a membrane roof, rather than roof shingles, however, this material will not be visible from the pedestrian realm. The applicant proposes exposed rafter tails and bargeboards to match the existing roof, as shown in the elevation drawings. Because no dimensions are indicated, staff has added a condition that the bargeboards and rafter tails shall match the existing bargeboards and rafter tails in their vertical dimension and detailing.

With the condition that the bargeboards and rafter tails shall match the existing bargeboards and rafter tails in their vertical dimension and detailing, this guideline is met.

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: Windows and doors proposed for removal include two windows and one door on the side elevation, toward the rear of the house, and two windows at the rear of the house.

None of the windows are of a similar size and therefore cannot be relocated within the proposed design. On the side elevation, the two windows will be replaced with a tripartite window of wood construction. At the rear, a pair of French doors with a transom window will be installed, also of wood construction. The drawings show that the French doors will be divided light, however, no grill dimensions are provided. As such, staff has added a condition to ensure the new doors will closely resemble the existing front door via simulated divided light doors with dimensional interior and exterior grills with spacer bars.

With the condition that the French doors shall be simulated divided light doors with dimensional interior and exterior grills with spacer bars, this guideline is met.

13. 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 addition of a rear dormer will increase visibility of the backyard and rear alley from the second floor of the house. *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 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. With the added conditions of approval, this proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to a contributing resource in the Ladd's Addition Historic District to include:

- Construction of a 2nd floor dormer at the rear-facing slope of the roof;
- Removal of two windows and a door on the northwest (side) façade, to be replaced with a tripartite window and infill siding and foundation wall to match;
- Removal of two windows on the northeast (rear) façade, to be replaced with a pair of French doors and a transom window;
- All windows and doors to be made of wood;
- New and infill shingle siding is cedar.


This approval is per the approved site plans, Exhibits C-1 through C-8, signed and dated March 28, 2023, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through G) must be noted on each of the 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 23-007588 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.
- D. New foundation wall will be infilled with concrete and painted to match the adjacent foundation material.
- E. New siding shall match the existing cedar shingle siding.
- F. The bargeboards and rafter tails shall match the existing bargeboards and rafter tails in their vertical dimension and detailing.
- G. The French doors shall be simulated divided light doors with dimensional interior and exterior grills with spacer bars.

Staff Planner: Hillary Adam

Decision rendered by:  **on March 28, 2023**
By authority of the Director of the Bureau of Development Services

Decision mailed: March 31, 2023

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 26, 2023, and was determined to be complete on February 21, 2023.

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 26, 2023.

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, 2023.**

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, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on April 14, 2023. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIX decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

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 14, 2023** 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 Statement
 1. Project Description
 2. Approval Criteria Response
 3. Plans
 4. Photos
 5. Neighbor Dormer Info
 6. Neighbor Dormer Info
 7. Neighbor Dormer Info
 8. Neighbor Dormer Info
 9. Neighbor Dormer Info
 10. Completeness Response, received February 21, 2023
 11. Revised Drawings
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Basement Plan
 3. First Floor Plan
 4. Second Floor Plan
 5. Roof Plan
 6. Existing Elevations (attached)
 7. Proposed Elevations (attached)
 8. Section Details
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Division of BDS
 2. Bureau of Parks, Forestry Division
 3. Bureau of Environmental Services, Bureau of Transportation Engineering and Development Review, Water Bureau, Fire Bureau, Site Development Review Section of BDS
- F. Correspondence:
 1. Richard Zernickow, on March 3, 2023, wrote in support.
- G. Other:
 1. Original LU Application
 2. Incomplete Letter, dated February 8, 2023

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).