



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

Carmen Rubio, Commissioner
Rebecca Esau, Director
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Date: May 26, 2023
To: Interested Person
From: Hannah Bryant, Land Use Services
503-865-6520 / 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 23-029134 HR – REVISION TO PRIOR HISTORIC RESOURCE REVIEW

GENERAL INFORMATION

Owner/Applicant: Kenton Mcsween & Marywynn Ryan
Kenton Mcsween Architect
2313 SE Ladd Ave
Portland, OR 97214
kmcsween@comcast.net

Site Address: 2313 SE LADD AVE

Legal Description: BLOCK 29 LOT 20, LADDS ADD
Tax Account No.: R463306540
State ID No.: 1S1E02DC 07100
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: None Contributing Resource in the Ladd's Addition Historic District
Zoning: R5 – Residential 5,000 with a 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 seeks Historic Resource Review for revisions to a previous land use approval. The previous review was for a 243 square foot addition to the rear of the subject property. The revised proposal is for 335 square foot addition. The proposed addition remains outside of the side setback. Additional revisions to the previous approval include:

- larger windows on the north façade of the proposed addition;

- minor changes to the windows on the west façade of the proposed addition;
- changes to the muntin pattern on the front windows of the existing house that were approved in the prior land use review;
- elimination of one window on the rear façade of the existing house (due to the expansion of the proposed addition).

Historic Resource Review is required for non-exempt exterior alterations in the Ladd's Addition Historic District.

Relevant Approval Criteria:

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

- *Ladd's Addition Conservation District Design Guidelines*

ANALYSIS

Site and Vicinity: Constructed in 1948, this one-story home is considered a non-contributing resource in the Ladd's Addition Historic District. The subject property is located mid-block fronting SE Ladd, between SE Lavender and SE Division Streets on a 5120-square foot lot. At this location, SE Ladd Street is a local service street for all modes of transportation.

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 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.

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 22-131173 HR – Historic Resource Review approval for a 243-square foot addition; window replacements and a new door.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 24, 2023**. The following Bureaus have responded with no issues or concerns:

- Life Safety (exhibit E.1)
- Urban Forestry (exhibit E.2)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 24, 2023. One written response has been received from a notified property owner in response to the proposal.

- Barry NewDelman, April 29, 2023 – A neighbor reviewed the proposal and recommends approval.

Staff Response – Staff appreciates the neighbors time and consideration of this 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

2. 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 5: In 2022, this property went through a land use review (LU 22-131173 HR) for a rear addition to the non-contributing resource. This review is to approve an enlargement the original addition proposal. The addition has not yet been built, so the 335 square foot addition proposed in this land use review will be in lieu of the 243 square foot addition that was previously approved through LU 22-131173 HR.

The previous approval included new front windows, and the shifting of one front window opening away from the building's corner and toward the middle of the wall plane, so the two large window openings are symmetrical on the front façade. The exhibits in this review illustrate the current window pattern, and do not reflect the previously approved window design. The applicant intends to move forward with the previously approved window pattern and location. Therefore, the front windows are not part of the scope of this review.

To facilitate a re-working of the floor plan, this review also includes changes to the previously approved window configuration on the new addition. The current window proposal continues to be for wood windows that match the midcentury horizontal muntin pattern on existing and previously approved windows elsewhere on the house.

However, this updated proposal includes larger windows than previously proposed on the north elevation of the addition. The current proposed windows match other, existing windows on this façade in dimension, style, material and general spacing. The resulting fenestration pattern is more balanced and consistent with all four facades, and will achieve a more unified, coherent result.

This guideline is met.

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

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.

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.

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.

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.

10. Building Additions. Building additions should be in keeping with the original architectural character, color, mass, scale, and materials. Additions should be designed to have the least impact upon character-defining features and should be located inconspicuously when viewed from the street.

Findings for 5, 7, 8, 9, and 10: The new foundation, siding, wall height and roof form of the rear addition are proposed to match the existing concrete foundation, wood lap siding, wall height and roof form of the primary house mass. The proposed addition is at the rear of the existing structure, and will only be visible from the alley behind the house, but with the effort to match the existing house, it will not stand out as a contemporary addition. The house is not raised high above grade, and therefore the height of the exposed foundation is minimal, and the new foundation will match the existing

foundation. It is proposed to have wood siding with an 8 ½-inch reveal, consistent with the existing siding on the primary house mass. The new roof form is proposed to match the 6/12 slope and gable roof form of the existing house.

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 a 335 square foot addition per the approved site plans, Exhibits C-1 through C-9, signed and dated May 23, 2023, 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 23-029134 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: Hannah Bryant

Decision rendered by:  **on May 24, 2023**

By authority of the Director of the Bureau of Development Services

Decision mailed: May 26, 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 April 6, 2023, and was determined to be complete on April 19, 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 April 6, 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: August 17, 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 June 9, 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 County Recorder. *Unless appealed*, the final decision will be recorded by the Bureau of Development Services.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

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

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

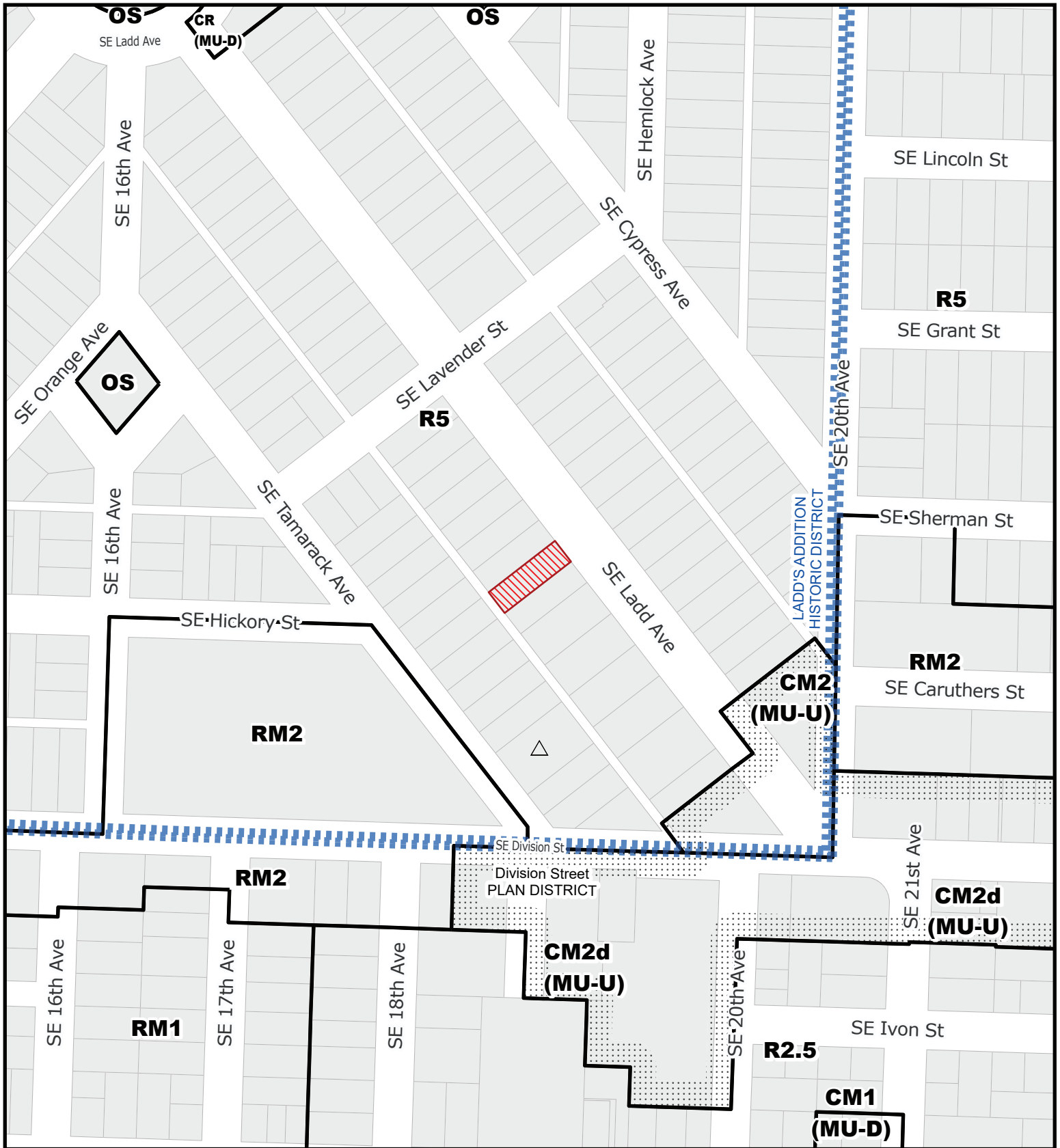
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Original Submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Floor Plan
 - 3. Proposed East Elevation
 - 4. Proposed South Elevation
 - 5. Proposed West Elevation
 - 6. Proposed North Elevation
 - 7. Existing Elevations
 - 8. Window Details
 - 9. Changes to Previous Approval
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety
 - 2. Urban Forestry
- F. Correspondence:
 - 1. Barry NewDelman, April 29, 2023, Neighbor supports the proposal.
- G. Other:
 - 1. Original LU Application


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).



For Zoning Code in Effect Post October 1, 2022

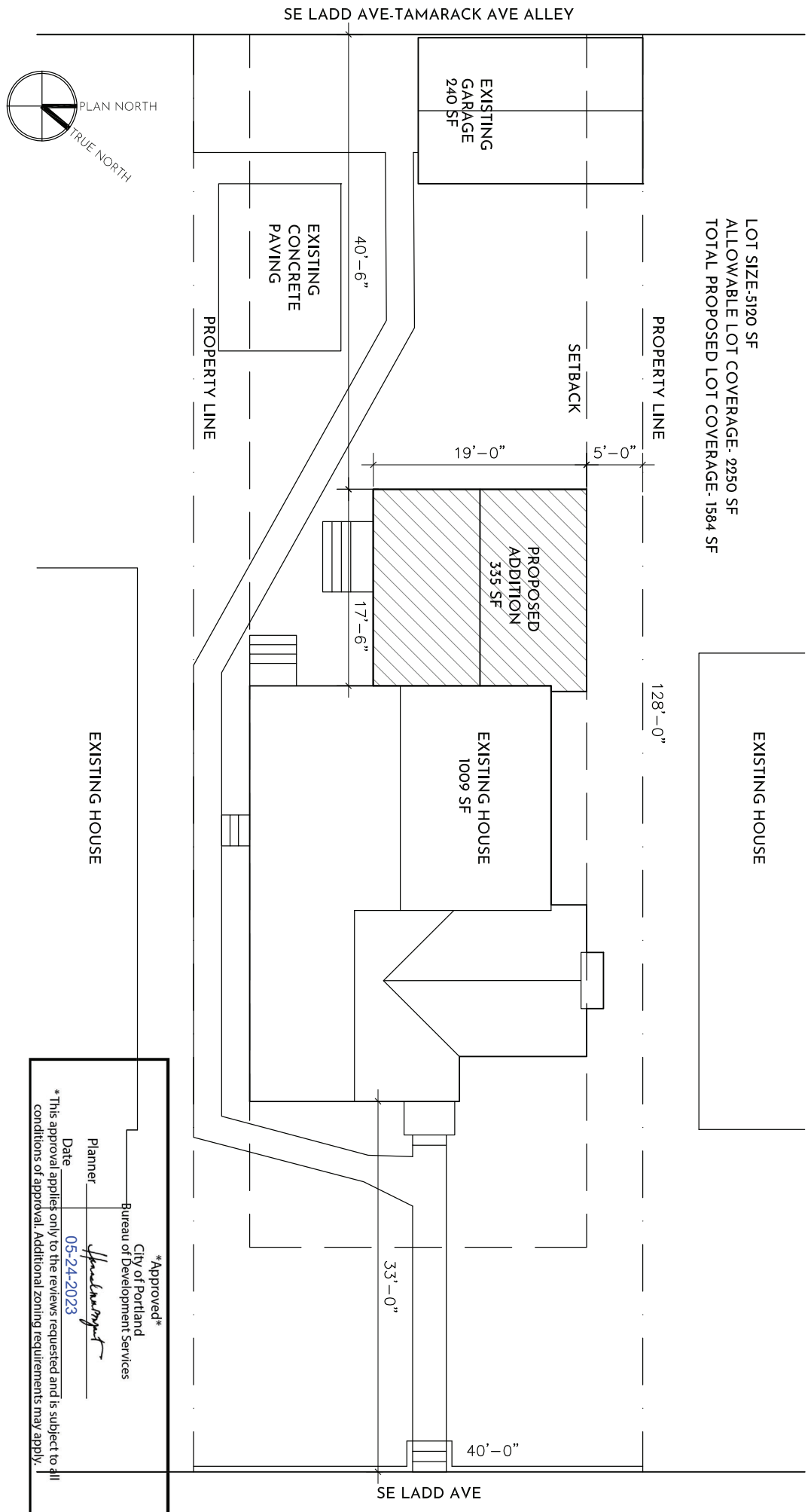
ZONING

THIS SITE LIES WITHIN THE:
LADD'S ADDITION HISTORIC DISTRICT

-  Site
-  Plan District
-  Historic District
-  Historic Landmark

File No.	<u>LU 23 - 029134 HR</u>
1/4 Section	<u>3232</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1S1E02DC 7100</u>
Exhibit	<u>B</u> <u>Apr 06, 2023</u>

LOT SIZE-5120 SF
 ALLOWABLE LOT COVERAGE- 2250 SF
 TOTAL PROPOSED LOT COVERAGE- 1584 SF



KENTON MCSWEEN ARCHITECT 2313 SE LADD AVE. PORTLAND, OR 97214 kmcsween@comcast.net 971.678.0298		TITLE: PROPOSED SITE PLAN	
PROJECT: MCSWEEN-RYAN RESIDENCE 2313 SE LADD AVE PORTLAND, OR 97214		STAGE: HISTORIC RESOURCE REVIEW	
DATE: 04.08.2022		SCALE: 1"=100' WHEN PRINTED AT 11X17 SIZE	
REVISION: 05.23.2022/03.24.2023		FILE: LU 22-131173	
SHEET:		HRO.01	

Approved
 City of Portland
 Bureau of Development Services
 Planner: *[Signature]*
 Date: 05-24-2023
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.