



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

Chloe Eudaly, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
Fax: (503) 823-5630  
TTY: (503) 823-6868  
[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

## **STAFF REPORT AND RECOMMENDATION TO THE PORTLAND CITY COUNCIL**

**CASE FILE:** LU 16-270658 DM (PC # 16-262369)  
**Demolition Review for a Contributing Garage at 1445 SE Division Street in the Ladd's Addition Historic District**

**REVIEW BY:** Portland City Council  
**WHEN:** Thursday, February 16, 2017 @ 2:00pm  
**WHERE:** 1221 SW Fourth Ave., Council Chambers  
Portland, OR 97204

**Bureau of Development Services Staff:** Arthur Graves 503-823-7803 [Arthur.Graves@portlandoregon.gov](mailto:Arthur.Graves@portlandoregon.gov)

### **GENERAL INFORMATION**

**Applicant:** Willie Dean | Ground Up Design Works  
615 SE Alder St #303 | Portland, OR 97214

**Owner:** Elizabeth and Anthony Hunt  
1445 SE Division Street | Portland, OR 97202-1139

**Site Address:** 1445 SE DIVISION ST

**Legal Description:** BLOCK 3 LOT 7, LADDS ADD  
**Tax Account No.:** R463300440, R463300440  
**State ID No.:** 1S1E02DC 12600, 1S1E02DC 12600  
**Quarter Section:** 3232  
**Neighborhood:** Hosford-Abernethy, contact Michael Wietecki at [mjwietecki@gmail.com](mailto:mjwietecki@gmail.com)  
**Business District:** Division-Clinton Business Association, contact at 503-706-3730.  
**District Coalition:** Southeast Uplift, contact Leah Fisher at 503-232-0010.  
**Plan District:** None  
**Other Designations:** Contributing resource in the Ladd's Addition Historic District, listed in the National Register of Historic Places on August 31, 1988

**Zoning:** R5: Single-Dwelling Residential with Historic Resource overlay  
**Case Type:** DM – Demolition Review  
**Procedure:** Type IV, following a public advisory meeting before the Historic Landmarks Commission there will be a hearing before City Council. The Historic Landmarks Commission may offer comments or suggestions, in the form of a letter or testimony, to City Council. City Council makes the final decision on this matter.

### **Proposal:**

The applicant requests Demolition Review approval for the demolition of a 1923 garage, listed as a contributing resource in the Ladd's Addition Historic District. The garage in question has already been demolished so approval of the demolition would be ex post facto. The homeowner intends to

construct a new single story accessory dwelling unit (ADU) in the same location as the garage that was demolished, with additional floor area proposed on the south and east elevations. The new ADU will be constructed using component pieces salvaged from the original garage, including wall and roof components, which are currently stockpiled on site. Approval of the replacement ADU has already occurred through the Historic Resource Review LU 16-103308 HR.

Type IV Demolition Review is required in order to obtain approval for demolition of contributing resources in historic districts.

**Relevant Approval Criteria:**

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

- 33.846 Historic Resource Review
- 33.846.080 Demolition Review

## ANALYSIS

**Site and Vicinity:**

The site is located on a 5,120 square foot parcel in the southwestern quadrant of the Ladd's Addition Historic District, north of and adjacent to, SE Division Street. The site is developed with an existing one and a half story Bungalow-Colonial Influence style home. The home was originally built by the architect T.J. Alsleber, constructed in 1923 (along with the detached garage), for Thomas Accettura. Both the home and the garage are listed as contributing resources within the Ladd's Addition Historic District.

In March of 2016, the Historic Resource Review decision (LU 16-103308 HR) approving alterations to the existing contributing garage to be converted to an ADU was rendered and finalized. Throughout this review, specific attention by staff and the applicant was given to the proposal to maintain a minimum of two existing walls and the entirety of the roof of the existing structure. This was a concerted effort to help the applicant meet the Ladd's Addition Conservation District Guidelines while also meeting their design goals and avoiding a Type IV Demolition Review.

In September of 2016 it was realized by BDS staff that the entire garage had been removed from the original foundation and disassembled. The garage walls and roof remained on site, stockpiled at the northwest corner of the site.

The 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.

Regarding area amenities within a quarter-mile (roughly a five-minute walk) from the site the site, there are a numerous restaurants, cafes and shops within this range. The site is located directly

on SE Division Street providing easy walking access to the Ford Building, Pine State Biscuits and Genies Café to the west and New Seasons Market to the east. 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 a number of options. The #4 bus line provides "frequent transit service" (defined by Trimet as, "bus lines [that] run every 15 minutes or better most of the day on weekdays) along Division Street. The #70 bus provides service north and south along SE 12<sup>th</sup> Ave. Both SE Division and SE 12<sup>th</sup> Ave are also designated as City Bikeways.

**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 prior land use reviews including:

- LU 15-111056 HR: Approval for replacement of existing concrete porch.
- LU 16-103308 HR: Approval for the conversion of an existing contributing garage to an accessory dwelling unit (ADU).
- LU 16-196257 HR: Approval for the expansion of the rear mudroom of the house, adding about 95 square feet of habitable space.

**Agency Review:** A "Notice of proposal in Your Neighborhood" was mailed **December 22, 2016**.

- Bureau of Development Services Life Safety / Building Code Section: Kathy Aulwes: December 21, 2016. The Life Safety Division of BDS responded, noting that: A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances, and that separate permits will be required for the demolition of this garage and for the construction of the new accessory dwelling unit. Please see Exhibit E-1 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **December 22, 2016**. One written response was received from either the Neighborhood Association or notified property owners in response to the proposal by the time of this report's publication.

- Mark Lakeman, Principal & Design Lead for the firm Communitecture, on December 27, 2016, wrote in support of the applicant stating that the ADU is of an appropriate size and scale, location on the property, and design, to be compatible with the Ladd's Addition Historic District. Please see Exhibit F-1 for additional details.

## **ZONING CODE APPROVAL CRITERIA**

### **Historic Resource Review**

#### **Chapter 33.445, Historic Resource Protection Overlay Zone, and Chapter 33.846, Historic Resource Reviews**

##### **33.445.010 Purpose of Historic Resource Review**

This chapter 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.

##### **33.445.030 Types of Historic Resource Designations and Map Symbols**

- C. Historic District.** This type of resource is a collection of individual resources that is of historical or cultural significance at the local, state, or national level. Information supporting a specific district's designation is found in the City's Historic Resource Inventory, its National Register nomination, or the local evaluation done in support of the district's designation.

##### **33.445.330 Demolition of Historic Resources in a Historic District**

Demolition of other historic resources within a Historic District requires demolition review to ensure their historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

### **Historic Resource Review Approval Criteria**

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

##### **33.846.010 Purpose**

This chapter provides procedures and establishes the approval criteria for all historic reviews. The approval criteria protect the region's historic resources and preserve significant parts of the region's heritage. The reviews recognize and protect the region's historic and architectural resources, ensuring that changes to a designated historic resource preserve historic and architectural values and provide incentives for historic preservation.

##### **33.846.080 Demolition Review**

- A. Purpose.** Demolition review protects resources that have been individually listed in the National Register of Historic Places or are identified as contributing to the historic significance of a Historic District or a Conservation District. It also protects Historic Landmarks and Conservation Landmarks that have taken advantage of an incentive for

historic preservation and historic resources that have a preservation agreement. Demolition review recognizes that historic resources are irreplaceable assets that preserve our heritage, beautify the city, enhance civic identity, and promote economic vitality.

**B. Review procedure.** Demolition reviews are processed through a Type IV procedure.

**C. Approval criteria.** Proposals to demolish a historic resource will be approved if the review body finds that one of the following approval criteria is met:

1. Denial of a demolition permit would effectively deprive the owner of all reasonable economic use of the site; *or*
2. Demolition of the resource has been evaluated against and, on balance, has been found supportive of the goals and policies of the Comprehensive Plan, and any relevant area plans. The evaluation may consider factors such as:
  - a. The merits of demolition;
  - b. The merits of development that could replace the demolished resource, either as specifically proposed for the site or as allowed under the existing zoning;
  - c. The effect demolition of the resources would have on the area's desired character;
  - d. The effect that redevelopment on the site would have on the area's desired character;
  - e. The merits of preserving the resource, taking into consideration the purposes described in Subsection A; and
  - f. Any proposed mitigation for the demolition

**Findings:** The site is designated a contributing resource with a National Register Historic District. Therefore, demolition of the existing building requires Demolition Review approval.

**The applicant has chosen to address Approval Criterion 2, therefore, the proposal has been evaluated against the:**

1. **Comprehensive Plan Goals and Policies document [Oct 1980/November 2011];**
2. **Hosford-Abernethy Neighborhood Action Plan [1988]**
3. **Ladd's Addition Historic District National Register Nomination [1988]**

***Staff response to the Approval Criteria is organized in the following way:***

***Pg. 5-7 : Approval criteria not applicable to the proposal***

***Pg. 7 : Approval criteria met by the proposal***

***Pg. 7-12: Approval criteria not met by the proposal***

***Approval criteria not applicable to the proposal***

#### **COMPREHENSIVE PLAN**

##### **GOAL 1: METROPOLITAN COORDINATION**

*The Comprehensive Plan shall be coordinated with federal and state law and support regional goals, objectives and plans adopted by the Columbia Region Association of Governments and its successor, the Metropolitan Service District, to promote a regional planning framework.*

**Findings:** The proposal does not involve development or coordination of the Comprehensive Plan as part of a larger planning framework. *This criterion is not applicable.*

#### **GOAL 6: TRANSPORTATION**

*Develop a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility.*

**Findings:** The proposal does not involve development of a transportation system. *This criterion is not applicable.*

#### **GOAL 7: ENERGY**

*Promote a sustainable energy future by increasing energy efficiency in all sectors of the city by ten percent by the year 2000.*

**Findings:** As the proposal in question is of a relatively small scope, the policies and objectives of this goal do not specifically relate to the proposal. *This criterion is not applicable.*

#### **GOAL 8: ENVIRONMENT**

*Maintain and improve the quality of Portland's air, water and land resources and protect neighborhoods and business centers from detrimental noise pollution.*

**Findings:** The specific policies and objectives listed under this goal do not reference existing buildings or waste generation, but rather management of natural resources. *This criterion is not applicable.*

#### **GOAL 10: PLAN REVIEW AND ADMINISTRATION**

*Portland's Comprehensive Plan will undergo periodic review to assure that it remains an up-to-date and workable framework for land use development. The Plan will be implemented in accordance with State law and the Goals, Policies and Comprehensive Plan Map contained in the adopted Comprehensive Plan.*

**Findings:** This proposal does not involve review of the Comprehensive Plan. *This criterion is not applicable.*

#### **GOAL 11: PUBLIC FACILITIES**

*Provide a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities.*

**Findings:** This proposal is for private development and does not involve public facilities. *This criterion is not applicable.*

#### **HOSFORD-ABERNETHY NEIGHBORHOOD ACTION PLAN**

##### **POLICY 1: PARKS, RECREATION, AND WATERFRONT ACTIVITIES**

*Promote a diversity of recreational, educational and cultural opportunities for Hosford-Abernethy Neighborhood Development (HAND) residents of all ages and income levels.*

**Findings:** This proposal is not related to parks or recreational activities. *This criterion is not applicable.*

##### **POLICY 3: TRANSPORTATION**

*Encourage safe and efficient use of the transportation network which minimizes negative traffic impact on neighborhood livability and business operations.*

**Findings:** This proposal is not related to the transportation network.  
*This criterion is not applicable.*

**POLICY 5: COMMERCIAL/INDUSTRIAL**

*Promote a supportive relationship between the residential and commercial/industrial interests of the neighborhood.*

**Findings:** This proposal is not related to existing commercial or industrial enterprises as described in the objectives of this policy.  
*This criterion is not applicable.*

<b><i>Approval criteria met by the proposal</i></b>
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**GOAL 9: CITIZEN INVOLVEMENT**

*Improve the method for citizen involvement in the on-going land use decision-making process and provide opportunities for citizen participation in the implementation, review and amendment of the adopted Comprehensive Plan.*

**Findings:**

The applicant has complied with Title 33, Portland Zoning Code both for the earlier Historic Resources Review (LU 16-103308 HR) and for the subsequent Demolition Review, which requires public notice, site posting, a public advisory meeting with the Historic Landmarks Commission and a subsequent City Council Hearing.

*This criterion is met.*

<b><i>Approval criteria not met by the proposal</i></b>
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**COMPREHENSIVE PLAN**

**GOAL 2: URBAN DEVELOPMENT**

*Maintain Portland's role as the major regional employment, population and cultural center through public policies that encourage expanded opportunity for housing and jobs, while retaining the character of established residential neighborhoods and business centers.*

**Findings:**

Policy 2.1 *Population Growth* states: "Allow for population growth within the existing city boundary by providing land use opportunities that will accommodate the projected increase in city households by the year 2000."

Policy 2.2 *Urban Diversity* states: "Promote a range of living environments and employment opportunities for Portland residents in order to attract and retain a stable and diversified population."

Policy 2.9 *Residential Neighborhoods* states: "Allow for a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods."

Policy 2.19 *Infill and Redevelopment* states: "Encourage infill and redevelopment as a way to implement the Livable City growth principles and accommodate expected increases in population and employment. Encourage infill and redevelopment in the Central City, at transit stations, along Main Streets, and as neighborhood infill in existing residential, commercial and industrial areas."

The proposed ADU provides approximately 450 square feet of new habitable area to the site, which by extension provides additional housing to the greater city at large at a time of a declared “housing emergency”. This comparatively small unit with alley access provides a relatively affordable housing opportunity in a desirable close-in neighborhood located adjacent to SE Division Street (a designated Major Transit Priority Street in the TSP with frequent bus service). Staff also notes that, while the applicant has not stated that the unit would be used for economic opportunities, such as a short-term rental for out-of-town visitors, this is theoretically possible. Therefore, the proposed replacement project allows the opportunity to accommodate either a housing type not commonly found in the Ladd’s Addition Historic District or a potential economic opportunity for the homeowners.

Note: The approved Historic Resources Review land use decision (LU 16-103308 HR) provided for alterations to the contributing garage into an ADU while maintaining the historic aesthetic integrity of the original structure, and so avoiding the need for demolition of the garage. Therefore, staff does not believe that demolition of the garage and, by extension, approval of demolition of the garage is necessary to meet these housing or economic development policies. Because the proposed ADU was already approved through Historic Resource Review, and with consideration for preservation of the existing garage, these policies cannot be used to merit the demolition of the existing garage.

*Therefore, this criterion is not met.*

### **GOAL 3: NEIGHBORHOODS**

*Preserve and reinforce the stability and diversity of the City's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and insure the City's residential quality and economic vitality.*

**Findings:** Policy 3.4 *Historic Preservation* states: “Preserve and retain historic structures and areas throughout the city.”

The proposal includes the demolition of a designated contributing resource in the Ladd’s Addition Historic District. While Policy 3.4 leaves little room for interpretation of its objective, the language of Goal 3 encourages both preservation as well as increased density. The proposal to alter the existing contributing garage into an ADU, as addressed in Historic Resource Review LU 16-103308 HR, intended to accomplish both of these objectives: sustain the historic integrity of the contributing garage through maintaining the existing roof and in removing no more than two walls from the structure, while developing an ADU which has the potential of providing increased density. Again, because this goal and policy was previously met through the already-approved Historic Resource Review, which required preservation of the existing garage to remain intact, this criterion cannot be used to merit demolition of the garage in question.

*Therefore, this criterion is not met.*

### **GOAL 4: HOUSING**

*Enhance Portland's vitality as a community at the center of the region's housing market by providing housing of different types, tenures, density, sizes, costs, and locations that accommodate the needs, preferences, and financial capabilities of current and future households.*

**Findings:**

Policy 4.1 *Housing Availability* states: “Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of Portland’s households now and in the future.”



Policy 4.3 *Sustainable Housing*: “Encourage housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to public transit and other modes of transportation, easy access to services and parks, resource efficient design and construction, and the use of renewable energy resources”

Policy 4.7 *Balanced Communities* states: “Strive for livable mixed-income neighborhoods throughout Portland that collectively reflect the diversity of housing types, tenures (rental and ownership) and income levels of the region.”

Policy 4.10 *Housing Diversity* states: “Promote creation of a range of housing types, prices, and rents to 1) create culturally and economically diverse neighborhoods; and 2) allow those whose housing needs change to find housing that meets their needs within their existing community.”

Policy 4.11 *Housing Affordability* states: “Promote the development and preservation of quality housing that is affordable across the full spectrum of household incomes.”

Policy 4.13 *Humble Housing* states: “Ensure that there are opportunities for development of small homes with basic amenities to ensure housing opportunities for low-income households, members of protect classes, households with children, and households supportive of reduced resource consumption.”

Several objectives under these policies speak to the need for encouraging a diversity of housing types for a variety of income levels and housing needs. As is noted under Goal 2 *Urban Development*, the proposed replacement development is for a new single story ADU that is approximately 450 square feet in size. The ADU provides a housing option not commonly found in the Ladd’s Addition Historic District, thus adding to the economic diversity of housing options in this desirable close-in neighborhood. However, as is previously stated, the proposed ADU was already approved through a Historic Resource Review which required the garage to remain more or less intact. The proposal does not propose any additional housing units or an expansion of the existing housing on site beyond what was already approved through the Historic Resource Review, therefore, demolition of the structure does not further these policy objectives.

*Therefore, this criterion is not met.*

## **GOAL 5: ECONOMIC DEVELOPMENT**

*Foster a strong and diverse economy which provides a full range of employment and economic choices for individuals and families in all parts of the city.*

### **Findings:**

Policy 5.1 *Urban Development and Revitalization* states: “Encourage investment in the development, redevelopment, rehabilitation and adaptive reuse of urban land and buildings for employment and housing opportunities.” Objective E of this policy states: “Define and develop Portland’s cultural, historic, recreational, educational and environmental assets as important marketing and image-building tools of the city’s business districts and neighborhoods.”

As noted under Goal 2 *Urban Development*, the applicant has not indicated that they intend for the proposed residential unit to be used for short-term rentals for out-of-town visitors, however, this is a possibility. The development of a short-term rental unit on this property would provide the opportunity for visitors to intimately experience one of the City’s major historic assets, the Ladd’s Addition Historic District. The proposed ADU features design elements such as a the roof form and slope, double-hung windows and window recess, and

wood lap siding, all of which are found on the existing house, also a contributing resource in the district. By repeating these design elements on the reconstructed building, the historic character of the property and the district will be reinforced. However, as is previously noted, these changes on the altered garage were approved through the already-approved Historic Resource Review and therefore do not serve to meet this goal with regard to demolition of the building. The proposal does not include any additional aspects that would meet this goal beyond what was previously approved through the Historic Resource Review which required preservation of the historic garage.

*Therefore, this criterion is not met.*

## **GOAL 12: URBAN DESIGN**

*Enhance Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations.*

### **Findings:**

Policy 12.1 *Portland's Character* states: "Enhance and extend Portland's attractive identity. Build on design elements, features and themes identified with the City. Recognize and extend the use of City themes that establish a basis of a shared identity reinforcing the individual's sense of participation in a larger community." Objective B of this policy states: "Preserve and enhance the character of Portland's neighborhoods. Encourage the development of attractive and unique characteristics which aid each neighborhood in developing its individual identity."

Policy 12.3 *Historic Preservation* states: "Enhance the City's identity through the protection of Portland's significant resources. Preserve and reuse historic artifacts as part of Portland's fabric. Encourage development to sensitively incorporate preservation of historic structures and artifacts." Objective A of this policy states: "Preserve and accentuate historic resources as part of an urban environment that is being reshaped by new development projects." Objective E states: "Protect potentially significant structures from demolition until the City can determine the significance of the structure and explore alternatives to demolition."

Policy 12.6 *Preserve Neighborhoods*, Objective B states: "Respect the fabric of established neighborhoods when undertaking infill development projects." Objective C of this policy states: "While accommodating increased density build on the attractive qualities that distinguish the area. Add new building types to established area[s] with care and respect for the context that past generations of builders have provided."

Although Bureau of Development Services staff approved alteration of the structure through the prior land use review LU 16-103308 HR, the building was unfortunately demolished and then stockpiled on site. The previously mentioned land use review supported the proposed garage alteration into an ADU partially because key features of the garage and historic district character would be largely left intact. These key features include: retaining the majority of the existing walls and the entirety of the original roof. In addition, proposed alterations would not change the height of the garage (and so it would continue to read as a secondary structure on site), the existing location of the structure and footprint would be maintained (with additional floor area being developed on the south and east elevations), and the existing north elevation (alley facing façade) would be maintained so as to continue to give the impression that the scale of the structure had not changed (this was accomplished with the east elevation addition being setback from the north so the width of the north elevation, from the alley, would not appear to have changed.)

The approved alterations to the structure were intended to continue to reinforce the unique alley garage condition, which is prevalent in, and is a defining feature of, the Ladd's

Addition Historic District. In addition, the proposed ADU would increase density while building on the attractive qualities that distinguish the area through its utilization of building elements found on the primary residence, as noted previously in Goal 5 above. However, as is also noted above, these goals and policies were essentially met through the previously-approved Historic Resource Review which required retention of the structure and were intended to avoid demolition.

It should be noted that while the applicant did demolish the existing contributing garage it was not done with malice or indifference to the previous Historic Resource Review. The applicant has also stated that their intent has always been to reassemble the component pieces that have been stockpiled on site to meet the intent of the previous Historic Resource Review (LU 16-103308 HR). Because the final product will be that which was already approved through Historic Resource Review – a modified garage with small addition – approval of Demolition Review is not warranted.

*Therefore, this criterion is not met.*

### **HOSFORD-ABERNETHY NEIGHBORHOOD ACTION PLAN**

#### **POLICY 2: HOUSING**

*Protect and improve existing housing while providing the opportunity of new housing for people of all ages and income levels.*

**Findings:** This proposal is not related to existing housing; however, the proposal does include the development of one new housing unit at a size much smaller than is typically found within the Ladd's Addition neighborhood. As staff has noted, the proposed ADU provides the opportunity for a new housing unit to be available to those with a relatively lower income, however, because the ADU was previously approved through Historic Resource Review, which required retention of the existing garage, this housing unit cannot be used to merit demolition of the structure. As is noted above, no additional housing units beyond what was previously approved through Historic Resource Review are proposed in order to merit approval of this Demolition Review.

*Therefore, this criterion is not met.*

#### **POLICY 4: LIVABILITY, IDENTITY, AND PUBLIC SAFETY**

*Develop a strong neighborhood identity that unifies the residents and industrial and commercial interests in order to foster a safe and caring community.*

**Findings:**

Objective 4.7 of this policy states: "Upgrade the appearance of both residential and commercial properties."

Objective 4.9 states: "Support the intent and recognize the Ladd's Addition Conservation District Guidelines as adopted by the Portland Historic Landmarks Commission."

Objective 4.10 states "Encourage identification, preservation, restoration and rehabilitation of historic buildings, structures, sites, and areas which give the neighborhood its special sense of identity."

As noted in the Land Use History listing above, the current owners have repeatedly invested in the site to maintain and upgrade existing features associated with the contributing home and garage. Upgrades and investments include:

- The removal of the existing deteriorating concrete front (south facing) porch and steps to be replaced with new concrete steps and porch in the same style and design, and in the same location (LU 15-111056 HR).
- The proposed conversion of the existing contributing garage to an Accessory Dwelling Unit (ADU), including the following details: The footprint of the existing garage was approved to remain with additional floor area proposed on the south and east elevations. No portion of the existing or proposed ADU were approved to be in the site setbacks. In addition, the entire proposed ADU would remain a single story building. Windows, and siding would match the “contributing” house in scale and proportion. Trim and moulding would be consistent with existing features on the garage. The roof of the existing garage was approved to be maintained with the new roof additions to match with regard to pitch and height (LU 16-103308 HR).
- The construction of an addition to the rear of a contributing house in the Ladd’s Addition Historic District. The approved rear addition has wood windows and lap-siding to match the existing volume. It has a 3/12 pitch roof and sits on a concrete foundation. The proposed addition was approved to include aluminum clad wood French doors at the center of the rear elevation and three concrete stairs leading up to doors. The addition was approved to sit on a concrete foundation (LU 16-196257 HR).

The collective effect of the alterations has been to improve and enhance existing resources on site while being true to the design guidelines and tenants of the Ladd’s Addition Conservation District Guidelines. The approved alterations, including the remodeling of the contributing garage are consistent with the overall design aesthetic and unique layout of Ladd’s Addition, including the relatively unique and character-defining condition of rear alleys. The alley garages are part of the historic character that contributes to the significance of the Ladd’s Addition Historic District. As such, through the previous Historic Resource Review (LU 16-103308 HR) the subject garage was approved to be altered to accommodate a contemporary ADU while maintaining a scale, mass and design that was in synch with the guidelines and identity of the historic district. However, approval of demolition of the garage, through this Demolition Review, would not meet this policy. The applicant intends to reconstruct the garage using the historic materials remaining on site, and according to the stamped and signed drawings in the previously-approved Historic Resource Review. Staff notes that because the “replacement proposal” was already approved through Historic Resource Review, the merits of the replacement proposal cannot be used to warrant demolition as it was already determined that the proposed alterations to the building were possible without demolition.

*Therefore, this criterion is not 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**

This is a unique situation in that the historic resource in question has already been demolished, but has been stockpiled on site. As is verified and made transparent in Historic Resource Review

LU 16-103308 HR, the intention had not been to demolish the contributing garage, but rather to make alterations to the garage in a manner consistent with the Ladd's Addition Conservation District Guidelines, so that the garage may be converted to an ADU. Throughout the LU 16-103308 Historic Resource Review process the applicant was consistently advised in how best to meet the desired design goals and guidelines for the garage without triggering a Type IV Demolition Review. Unfortunately, after the Historic Resource Review decision had been finalized and permits received, a decision was made on site that was not consistent with LU 16-103308 HR regarding what would constitute demolition. This decision resulted in the existing garage being removed from its foundation and completely dismantled (see Exhibit G-3); this is considered a demolition. In conversations with the applicant after the garage had been demolished it appears that the intention was to reassemble the component pieces of the garage in an effort to remain true to LU 16-103308 HR. However, because the garage was demolished (and in violation of the approved Historic Resource Review), a Demolition Review was legally required.

At the January 23, 2017 advice meeting, the Historic Landmarks Commission noted that the proposed alterations to the contributing garage could be followed through and be consistent with the previously approved LU 16-103308 HR, which converted the existing garage into an ADU, without demolishing the garage. The Commission felt that in order to avoid establishing a precedent in which approval of demolition could be retroactively sought in cases where historic structures had been razed, Denial, consistent with staff's decision, was supported. In addition, the Commission noted that a Denial of the Demolition Review allows the garage to be reconstructed to match the previously approved design and would enable retention of the garage's current "contributing" designation within the Ladd's Addition Historic District. A final comment by the Commission noted that the level of review for this case seemed incongruous with the historic resource in question and suggested that a lower level review may be more appropriate for consideration of demolition of accessory structures.

While the applicant did demolish the existing contributing garage it was not done with malice or indifference to the previous Historic Resource Review. The applicant has also stated that their intent has always been to reassemble the component pieces that have been stockpiled on site to meet the intent of the previous Historic Resource Review (LU 16-103308 HR). However, because this was already approved through the Historic Resource Review, preservation of the structure has already been found to be possible without demolition. As described above, staff has noted that the goals and policies are not met, as nothing additional has been proposed beyond what was found to be possible through the previously approved Historic Resource Review. In short, approval of the requested Demolition Review is not warranted.

## **TENTATIVE STAFF RECOMMENDATION**

(May be revised upon receipt of new information at any time to the Landmarks Commission decision)

Staff recommends denial of the demolition of the 1923 garage, listed as a contributing resource in the Ladd's Addition Historic District.

=====

**Procedural Information.** The application for this land use review was submitted on November 8, 2016, and was determined to be complete on November 30, 2016.

*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 November 8, 2016.

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: Thursday, March 30, 2017.**

**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 recommendation of the Bureau of Development Services with input from other City and public agencies.

**This report is not a decision.** This report is a recommendation by the Bureau of Development Services to Portland City Council. You may review the file on this case at our office at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201. Your comments to the Portland City Council should be mailed c/o Portland City Council, 1221 SW Fourth Ave., Portland, OR 97204.

You will receive mailed notice of the decision if you write a letter received before the hearing or testify at the hearing, or if you are the property owner or applicant. This Staff Report will be posted on the Bureau of Development Services website. Look at [www.portlandonline.com](http://www.portlandonline.com). On the left side of the page use the search box to find Development Services, then click on the Zoning/Land Use section, select Notices and Hearings. Land use review notices are listed by the District Coalition shown at the beginning of this document. You may review the file on this case at the Development Services Building at 1900 SW Fourth Ave., Suite 5000, Portland, OR 97201.

**City Council Hearing.** The City Code requires the City Council to hold a public hearing on this case and you will have the opportunity to testify. The hearing will be scheduled by the City Auditor upon receipt of the Hearings Officer's Recommendation. You will be notified of the time and date of the hearing before City Council. If you wish to speak at the Council hearing, you are encouraged to submit written materials upon which your testimony will be based, to the City Auditor.

If you have any questions contact the Bureau of Development Services representative listed in this Recommendation (503.823.3581).

**Recording the final decision.**

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder before the approved use is permitted and before any building or zoning permits are issued. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034.

**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.

Planner's Name: Arthur Graves

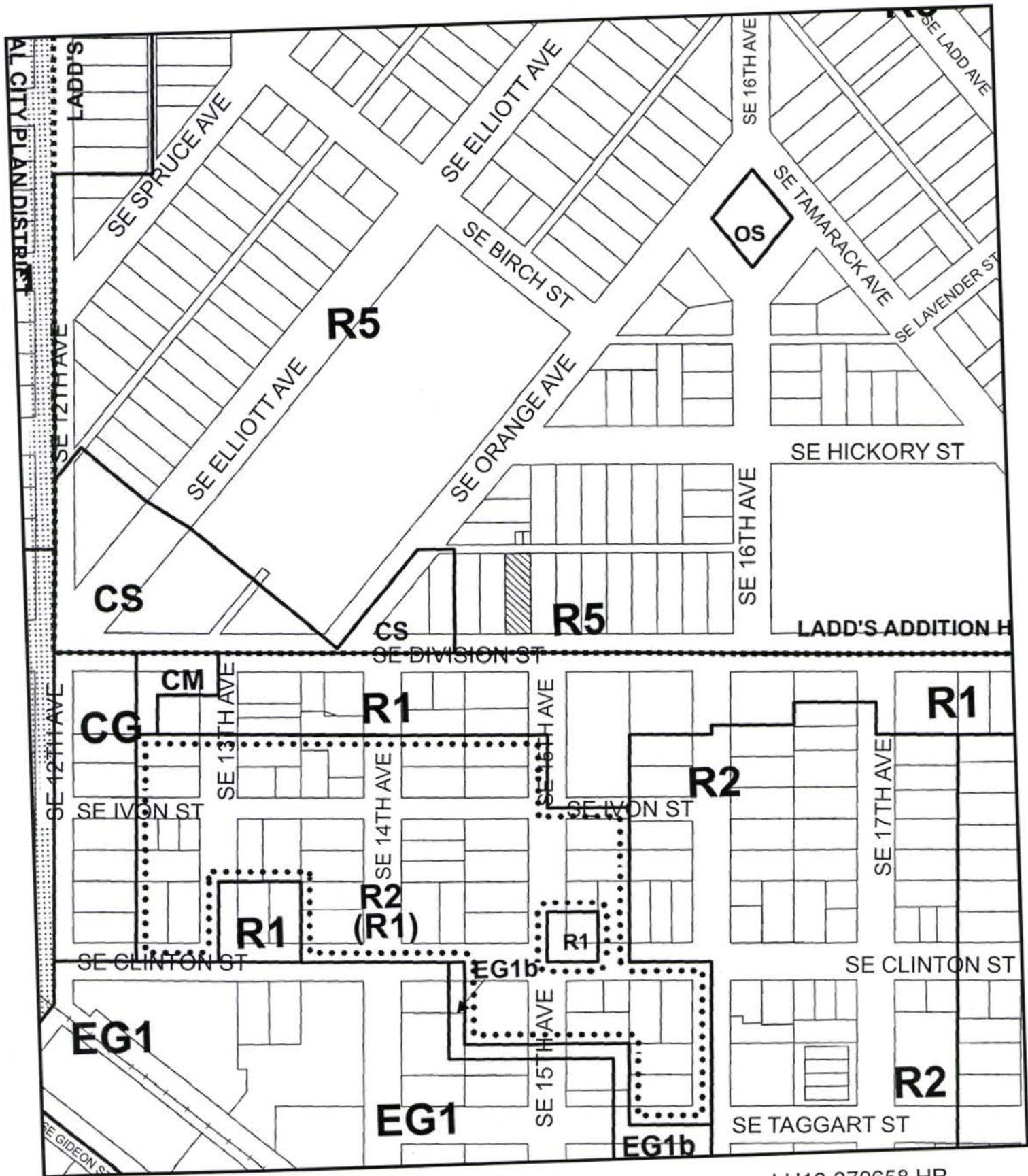
Date: February 02, 2017

**EXHIBITS – NOT ATTACHED UNLESS INDICATED**


- A. Applicant's Statement:
  - 1. Narrative
  - 2. Revised Narrative
- B. Zoning Map (attached):
- C. Plans & Drawings:
  - 1. Title Page
  - 2. Existing Site Plan (attached)
  - 3. Proposed Site Plan (attached)
  - 4. Existing and Proposed Roof Plan
  - 5. Proposed Foundation Plan
  - 6. Existing Garage Elevations (attached)
  - 7. Proposed Garage/ADU Elevations (attached)
  - 8. Proposed Sections
  - 9. Existing House Elevations
  - 10. Details
- D. Notification information:
  - 1. Request for response
  - 2. Posting letter sent to applicant
  - 3. Notice to be posted
  - 4. Applicant's statement certifying posting
  - 5. Re-posting letter sent to applicant
  - 6. Re-notice to be posted
  - 7. Applicant's statement certifying re-posting
  - 8. Mailing list
  - 9. Mailed Notice
- E. Agency Responses:
  - 1. Life Safety Division of BDS: Kathy Aulwes: December 21, 2016
- F. Community Response:

1. Mark Lakeman, Principal & Design Lead for the firm Communitecture, on December 27, 2016,
- G. Other:
1. Original LUR Application
  2. National Register Information
  3. Pictures of Site: September 09, 2016
  4. Permit Set: 16-159861 RS
  5. Picture of Stop Work order: September 15.2016
  6. Staff Report and Recommendation, dated December 20, 2016
  7. Staff Presentation to the Historic Landmarks Commission, dated January 23, 2016





# ZONING

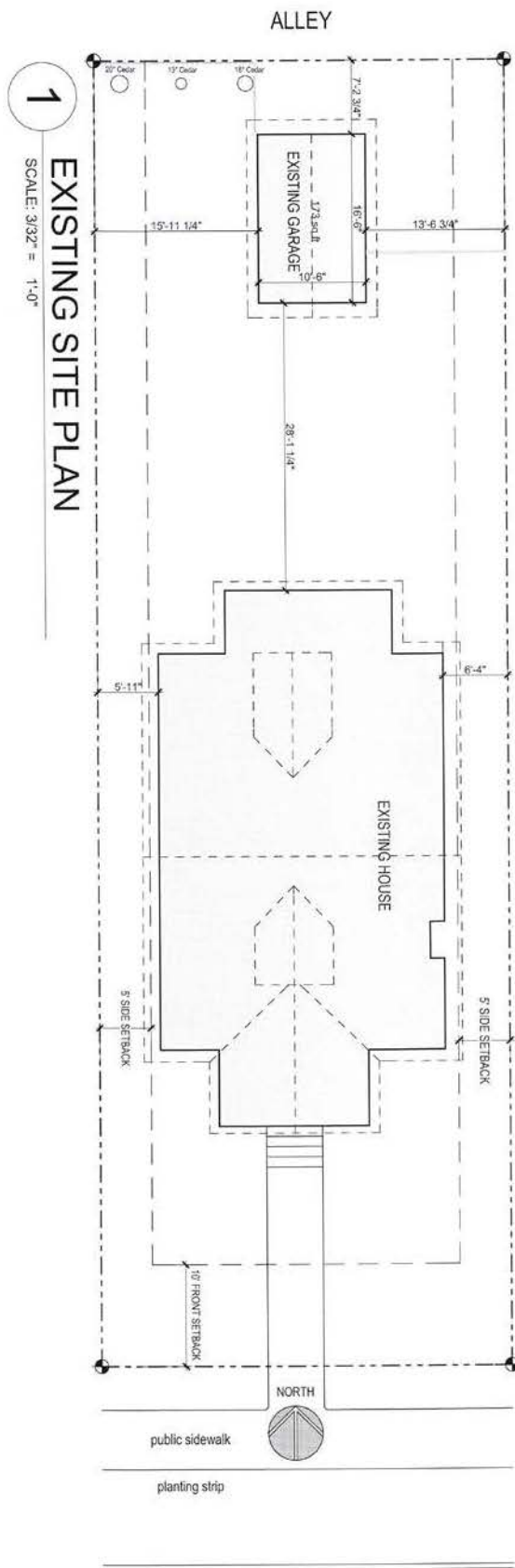
 Site



NORTH

This site lies within the:  
LADD'S ADDITION HISTORIC DISTRICT

File No.	LU16-270658 HR
1/4 Section	3232
Scale	1 inch = 200 feet
State_Id	1S1E02DC 12600
Exhibit	B (Nov 10, 2016)



SE DIVISION

DATE: 10/18/2016

SHEET NUMBER:

HUNT ADU

REVISIONS

Suzi & Tony Hunt  
1445 SE Division St  
Portland, OR 97202

**A-2**

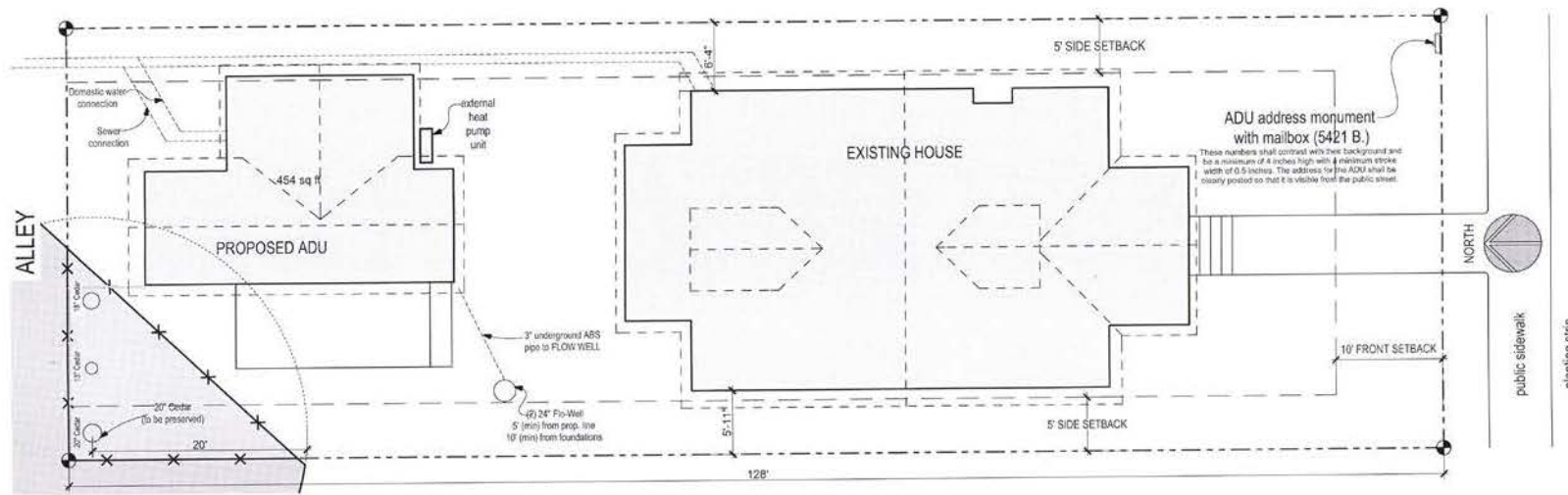
SITE PLAN

Plotted On: 10/18/2016

GROUNDUP DESIGN WORKS  
RESIDENTIAL AND COMMERCIAL DESIGN  
TINY HOUSE  
FURNITURE  
ADU

WILLIE DEAN  
503-658-3117  
WILLIE@GROUNDUPDESIGNWORKS.COM

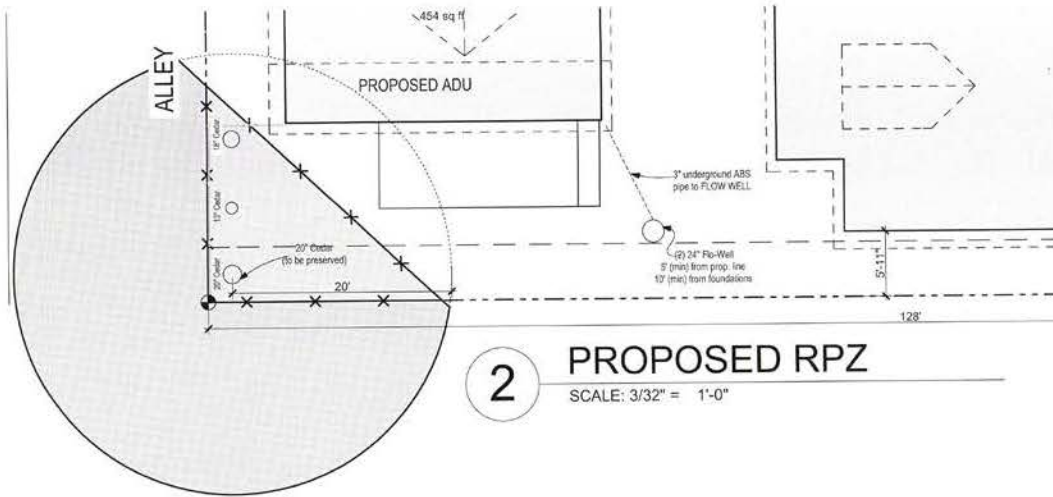
EXH C-2  
10-270658 dm



1

## PROPOSED SITE PLAN

SCALE: 3/32" = 1'-0"



2

## PROPOSED RPZ

SCALE: 3/32" = 1'-0"

SE DIVISION

DATE: 10/18/2016 SHEET NUMBER:

REVISIONS

A-3

PROPOSED SITE PLAN

HUNT ADU

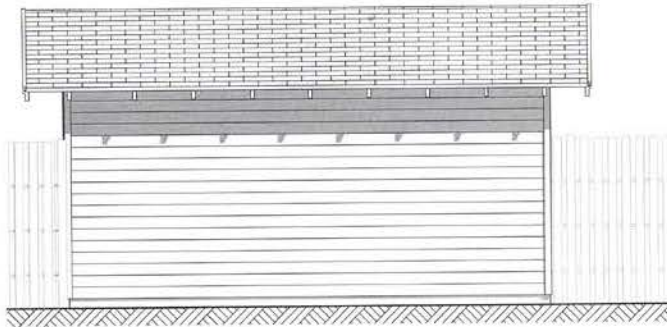
Suzi & Tony Hunt  
1445 SE Division St  
Portland, OR 97202  
Plotted On: 10/18/2016

GROUND UP DESIGN WORKS  
RESIDENTIAL AND COMMERCIAL DESIGN  
ARCHITECTURE  
LANDSCAPE  
FURNITURE  
ADU

WILLEDEAN  
DESIGN  
WILLEDEANDESIGNWORKS.COM

EXH C-3  
LU 16-270 GSB DM

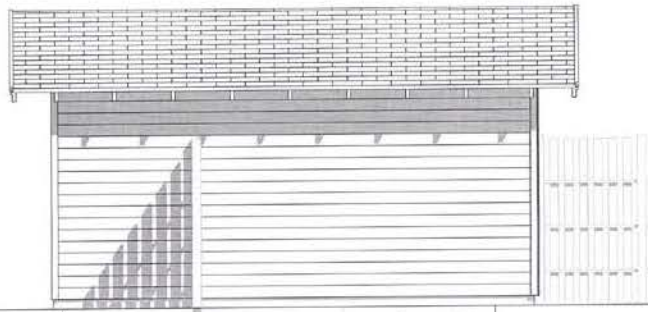




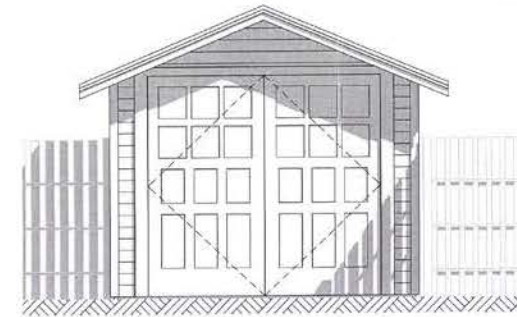
**1** EXISTING WEST ELEVATION  
SCALE: 1/4" = 1'-0"



**2** EXISTING SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



**3** EXISTING EAST ELEVATION  
SCALE: 1/4" = 1'-0"



**4** EXISTING NORTH ELEVATION  
SCALE: 1/4" = 1'-0"

GROUNDUP DESIGN WORKS  
RESIDENTIAL AND COMMERCIAL DESIGN  
ARCHITECTURE  
FURNITURE  
ADU  
WILLIE DEAN  
OWNER  
ADDRESS  
WILLIE@GROUNDUPDESIGNWORKS.COM

HUNT ADU  
Suzi & Tony Hunt  
1445 SE Division St  
Portland, OR 97202  
Plotted On: 10/18/2016

DATE: 10/18/2016  
SHEET NUMBER:  
A-7  
EXST GRG ELEV

EXH C-6  
16-28658 DM



1

## PROPOSED WEST ELEVATION

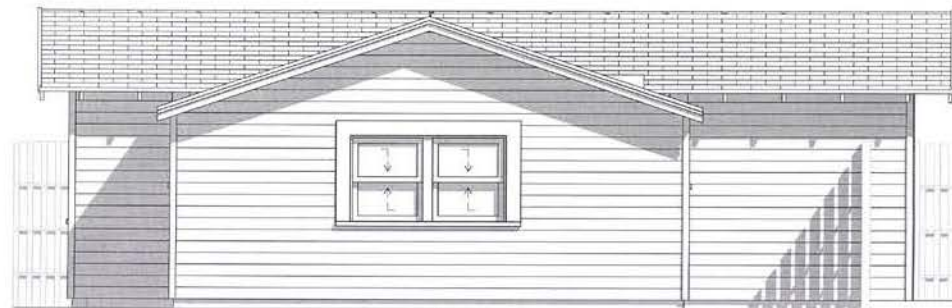
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2

## PROPOSED SOUTH ELEVATION

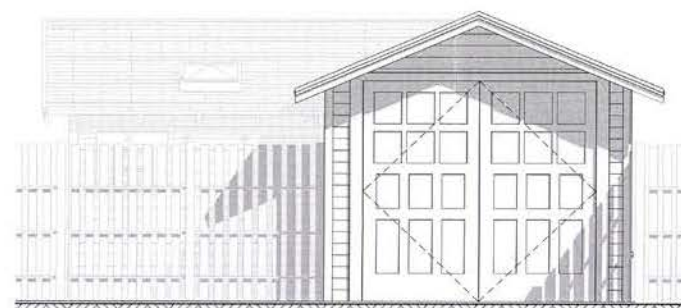
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3

## PROPOSED EAST ELEVATION

SCALE: 1/4" = 1'-0"



4

## PROPOSED NORTH ELEVATION

SCALE: 1/4" = 1'-0"

GROUNDUP DESIGN WORKS  
RESIDENTIAL AND COMMERCIAL DESIGN  
TINY HOUSE  
PERMITS  
ADU  
WILLIE DEAN  
608-859-3117  
WILLIE@GROUNDUPDESIGNWORKS.COM

HUNT ADU

Suzi & Tony Hunt  
1445 SE Division St  
Portland, OR 97202  
Plotted On: 10/18/2016

DATE: 10/18/2016 SHEET NUMBER:

REVISIONS

A-8

PROP ADU ELEV

EXH C-7  
16-270638.DW