



City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: March 01, 2016

To: Interested Person

From: Arthur Graves, Land Use Services

503-823-7803 | Arthur.Graves@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 16-103308 HR GARAGE CONVERSION TO AN ACCESSORY DWELLING UNIT (ADU)

GENERAL INFORMATION

Applicant: Willie Dean | Ground Up Design Works | 608.658.3117

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 Street

Legal Description: BLOCK 3 LOT 7, LADDS ADD

Tax Account No.: R463300440 **State ID No.:** R151E02DC 12600

Quarter Section: 3232

Neighborhood: Hosford-Abernethy, contact Michael Wietecki at mjwietecki@gmail.com Division-Clinton Business Association, contact Darice Robinson at 503-

233-1888.

District Coalition: Southeast Uplift, contact Anne Dufay 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: HR: Historic Resource Review (HR)

Procedure: Type II, an administrative decision with appeal to the Landmarks

Commission.

Proposal:

The applicant seeks Historic Resource Review approval for the conversion of the existing 1923 "contributing" garage in the Ladd's Addition Historic District to an Accessory Dwelling Unit (ADU). The footprint of the existing garage will remain with additional floor area proposed on the south and east elevations. No portion of the existing or proposed ADU will be in the site setbacks. In addition, the entire proposed ADU will remain a single story building. Windows,

and siding will match the "contributing" house in scale and proportion. Trim and moulding will be consistent with existing features on the garage. The roof of the existing garage will be maintained with the new roof additions to match in regards to pitch and height.

Historic resource review is required for non-exempt development to contributing structures such as this one in the Ladd's Addition 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 one and a half story, Bungalow-Colonial Influence Style, residence. The house was built by the architect T.J. Alsleber for Thomas Accettura in 1923 and, along with the detached garage, are both contributing resources within the Ladd's Addition Historic District.

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.

Transpiration 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 17th Ave. Both SE Division and SE 17th 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 <u>Historic Resource Protection</u> 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.

Land Use History: City records indicate there are no prior land use reviews for this site.

• LU 15-111056: Approval for replacement of existing concrete porch.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **January 22, 2016**. The following Bureaus have responded with no issues or concerns:

- Water Bureau: Terry Wenz: February 2, 2016. (Exhibit E-1). With no conditions of approval.
- Urban Forestry: Charles Carroll: January 27, 2016. (Exhibit E-2). Conditions of approval include:
 - 1. Street Tree Protection in line with Title 11 standards.
 - 2. Street trees and protection plan be included in the site plan.
- Bureau of Development Services Life Safety / Building Code Section: David Jones: February 17, 2016. (Exhibit E-3). With no conditions of approval.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on January 22, 2016. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

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

Findings: The site is located within the Ladd's Addition Historic District and the proposal is for a non-exempt treatment requiring a new foundation. Therefore Historic Resource Review approval is required. The approval criteria are the *Ladd's Addition Conservation District Design Guidelines – New Construction.*

Staff has considered all guidelines and addressed only those applicable to this proposal.

Ladd's Addition Conservation District Guidelines - New Construction

1. **Siting.** All new buildings should face the street. Commercial buildings should be pedestrian oriented and have a zero front yard setback. All other buildings should maintain the historical front yard setback on the block, usually fifteen to twenty feet. The original topography and grade of building sites should be maintained.

Findings: The new construction proposed to the single story contributing garage will not impact or alter the siting of the existing structure. The 1923 structure will remain in its current location behind the house and is not visible from the street (SE Division St).

While the footprint of the structure will increase to the south and east it will remain fully out of the side and rear setbacks. The height of the proposed (and existing) structure will not increase as a result of the alterations. The topography and grade of the site will not be altered. *This guideline is met.*

2. Landscaping. On the site of non-commercial structures, the retention of front lawns and mature trees is encouraged. The predominant use of ground covers, such as bark mulch and broadleaf evergreens, is discouraged. Plants popular in the 1910's and 1920's are encouraged.

Findings: Existing landscaping on site, including trees and shrubs, will not be affected. The net square footage of lawn area will be reduced as a result of the alterations to the existing contributing garage. However, the front lawn will not be impacted or reduced as a result of the proposed construction. *This guideline is met.*

3. Fences and Retaining Walls. Front and side yards which abut a street should be visually open to the street. Hedges retaining walls and fences, which visually obscure front yards are discouraged. Fences should be kept behind the building lines, as viewed from the street.

Findings: The existing fence located adjacent to the contributing garage along the north elevation will remain. Because the façade of the garage that is visible from the alley is not being altered retaining the fence will help to reduce visual impacts of the alterations which might otherwise be noticeable from the alley behind (north of) the contributing house. *This guideline is met.*

4. Parking. Parking areas and driveways are discouraged in the front yard. Required on-site parking should be located in the rear yard or beneath new construction. Parking areas, providing space for three or more cars, should be screened from adjacent properties: hedges and canopy trees are recommended as screens. No lot within the district should be converted solely for parking use.

Findings: The site is immediately adjacent to SE Division Street which provides transit service with better than 20-minute peak hour service. Per Portland Zoning Code (PZC) 33.266.110.D.1 no parking is required. *This quideline is met.*

8. Exterior Siding Materials. Materials used on new buildings should be consistent with predominant materials used on buildings of a similar use within the district. On single family residences and duplexes: stucco, horizontal wood siding, wood shingles, brick, or a combination of these materials. On commercial and multi-family residences: stucco and brick. The following materials are discouraged: plywood, used brick, shakes, exposed concrete block and metal.

Findings: The siding proposed for the new accessory structure includes wood siding to match that on the existing residence: 6 inch cedar lap siding. *This guideline is met.*

9. Roof Form. Non-commercial buildings should have gable or hip roofs with medium to steep pitch. Dormers and gable roof projections are encouraged. Commercial buildings should have flat roofs with parapets or false fronts. Detailing of the parapets with cornices and stepping is encouraged.

Findings: The roof form and pitch of the ADU addition will match the existing roof pitch of the contributing garage. *This guideline is met.*

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: The proposed alterations to the garage, while expanding the footprint to the south and east, maintain the architectural character of the contributing structure. The structure will remain a single story unit with the proposed roof and eaves matching the existing structure. Because the proposed alterations are to be setback from the north elevation approximately 8 feet, the additional mass of the ADU will not be apparent from the adjacent alley. In addition, the proposed north elevation garage door and wall will remain unchanged maintaining the character-defining features that face the alley and so further minimizing the impact of the development to the greater Ladd's Addition Historic District. Materials proposed for the addition, including clad wood windows and 6 inch cedar siding, are consistent with materials found on the primary resource. *This quideline is met.*

12. Front Façade Detailing. Primary entrances to buildings should be oriented to the street rather than to a rear yard or interior side yard. Front porches and projecting features such as balconies, bays and dormer windows are encouraged. Blank façades with no windows are discouraged.

Findings: All façades on the proposed garage alteration will include windows. In an effort to leave the alley facing façade unaltered and so causing minimal visual impact from the view from the alley the primary entrance to the proposed new accessory dwelling unit will be located on the west elevation of the building. *This quideline is met.*

13. Windows and Doors. Window sashes and doors should be wood frame and detailed with wood trim. For commercial buildings, storefront windows with large fixed panes below and smaller frames above are encouraged. For other buildings, vertical, double-hung windows, as well as groups of vertical windows which may be horizontal in overall expression, are encouraged.

Findings: The proposed windows are double-hung clad-wood matching those on the primary residence. While the windows in the primary residence are more vertical, being consistent with the scale and mass of the structure, the proposed windows for the ADU are similarly proportionate to the scale and mass of the single story structure. Windows in the proposed ADU will be installed within the wall depth matching those in the primary resource on the site. Clad-wood French doors are proposed for the ADU. The existing garage doors on the north elevation of the structure will remain unchanged from the exterior. *This quideline is met.*

15. Color. Earth tones and muted colors which are derived from natural materials, such as stone, brick and soil are encouraged. Use of bright colors is discouraged.

Findings: The color of the proposed ADU is to remain a muted earth tone compatible with the contributing house and greater Ladd's Addition Historic District. *This guideline is met.*

17. Crime Prevention. Crime prevention elements should be included in the design with specific attention to landscaping, parking areas, walkways, lighting, entries, and visibility. Windows and entries should not be obscured. Parking areas, walkways, and entries should be adequately illuminated for visibility.

Findings: The proposed garage alterations to create a new ADU will not affect the north elevation of the structure, meaning new entries requiring enhanced visibility are not necessary. In addition, the existing wood fence along the north edge of the property will not be removed and so security and privacy to both the primary structure and secondary ADU will be maintained. *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. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval for the conversion of the existing 1923 "contributing" garage in the Ladd's Addition Historic District to an Accessory Dwelling Unit (ADU). The footprint of the existing garage will remain with additional floor area proposed on the south and east elevations. No portion of the existing or proposed ADU will be in the site setbacks. In addition, the entire proposed ADU will remain a single story building.

Approval, per the approved site plans, Exhibits C-1 through C-9, signed and dated Wednesday, February 24, 2016, subject to the following conditions:

A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-103308 HR. No field changes allowed."

Staff Planner: Arthur Graves

Decision rendered by: Wednesday, February 24, 2016.

By authority of the Director of the Bureau of Development Services

Decision mailed: Tuesday, March 01, 2016.

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 11, 2016, and was determined to be complete on **January 14, 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 January 11, 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: Friday, May 13, 2106.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on Tuesday, March 15, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. 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.

- Unless appealed, The final decision may be recorded on or after Wednesday, March 16, 2016 (the day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

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 For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

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

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

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

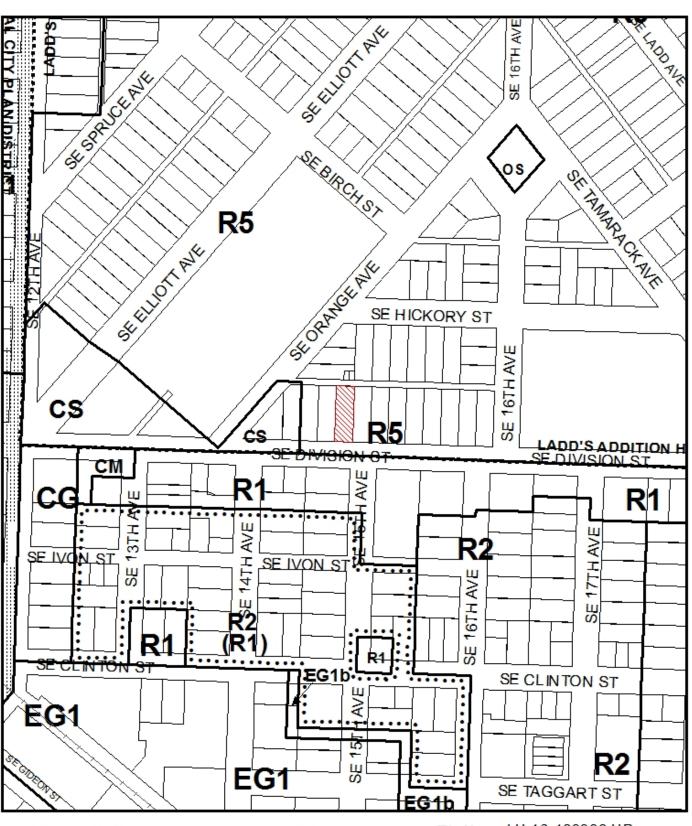
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review:
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Applicant's Statement
 - 2. Site Photographs
 - 3. Early Assistance Summary Memo: November 13, 2016
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan: Existing and Proposed (attached)
 - 2. Building Plan: Existing Garage and Proposed ADU (attached)
 - 3. Elevations Existing Garage: (attached)
 - 4. Elevations Proposed ADU: (attached)
 - 5. Elevations Existing Residence
 - 6. Details: Existing and Proposed Garage Door
 - 7. Details: Windows
 - 8. Details: Doors
 - 9. Manufacture's Cut Sheets
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Water Bureau: Terry Wenz: February 2, 2016:
 - 2. Urban Forestry: Charles Carroll: January 27, 2016.
 - 3. Bureau of Development Services Life Safety / Building Code Section: David Jones: February 17, 2016.
- F. Correspondence: No public comments were submitted.
- G. Other:
 - 1. Original LU Application
 - 2. Site Photographs
 - 3. Incomplete Letter: January 15, 2016.
 - 4. Historic Information.
 - 5. Email with applicant confirming window and door recess or "punch": 2.22.16.

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

Site

File No. LU 16-103308 HR

1/4 Section 3232

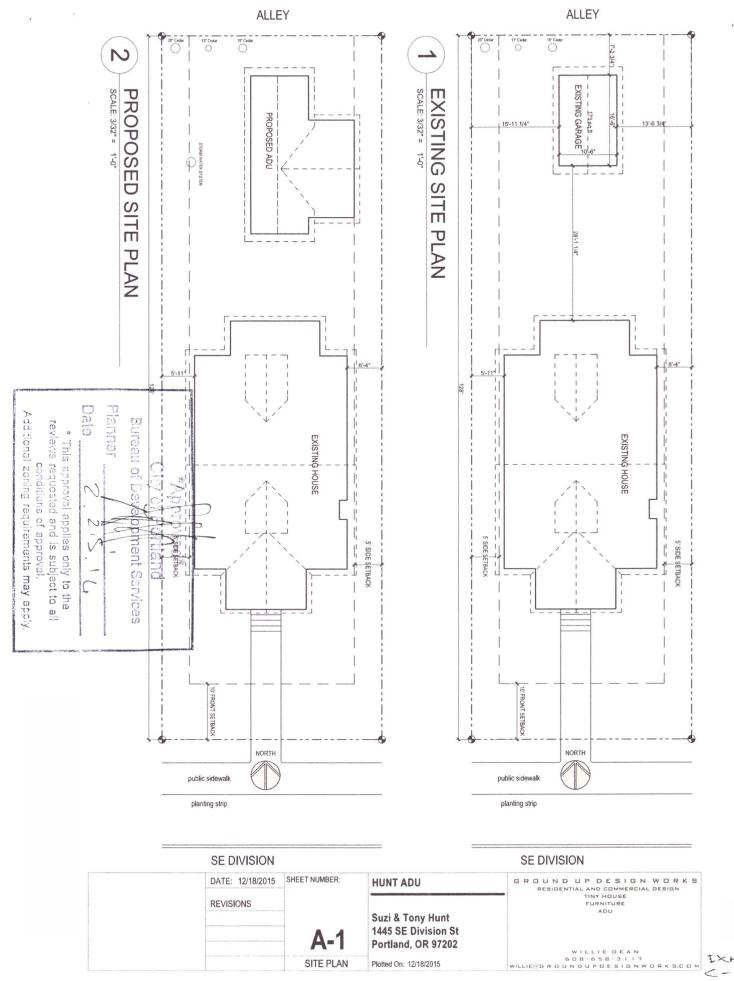
Scale 1 inch = 200 feet

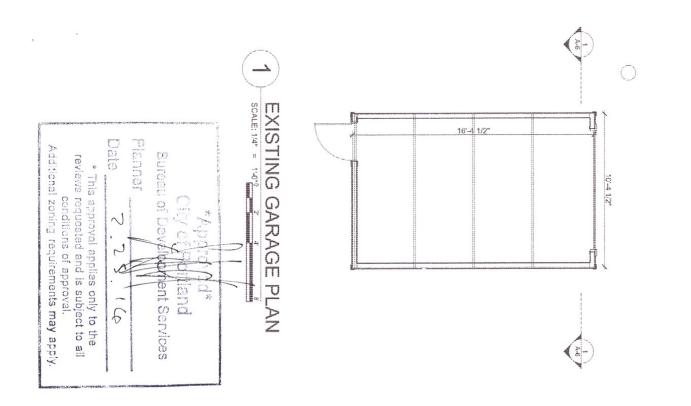
State_Id 1S1E02DC 12600

Exhibit B (Jan 11, 2016)



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

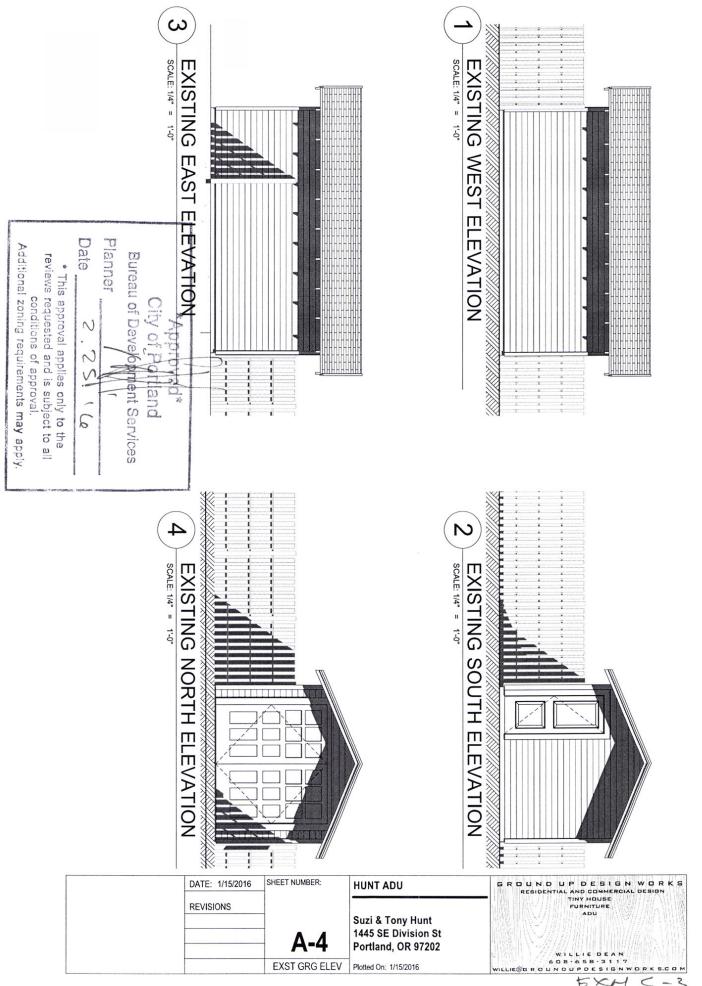




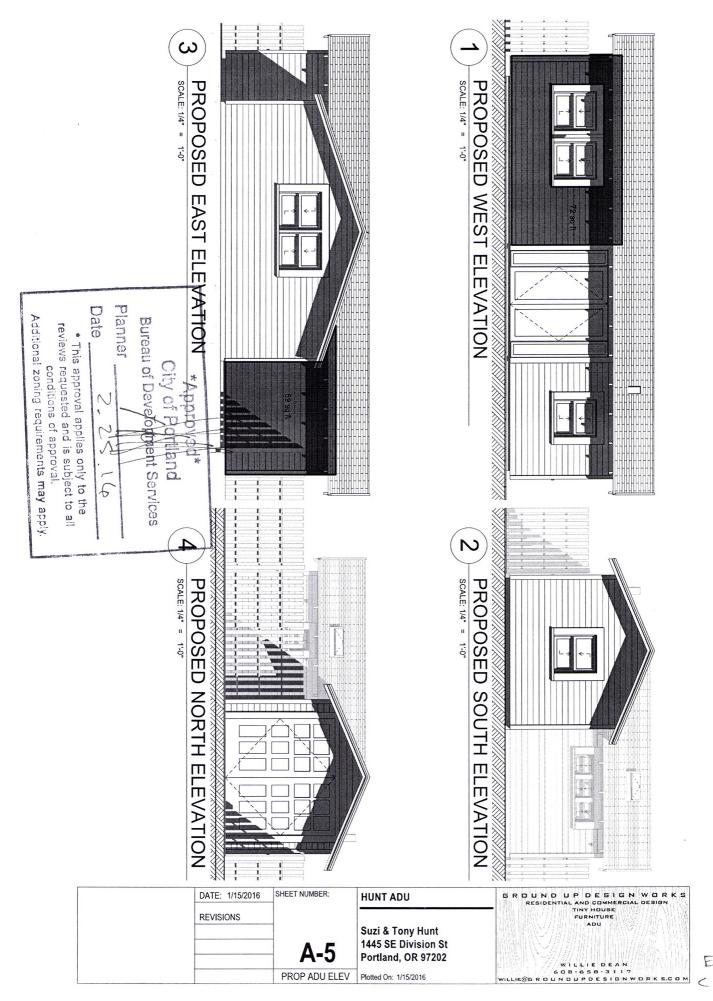


DATE: 12/18/2015	SHEET NUMBER:	HUNT ADU	GROUND UP DESIGN WORKS
REVISIONS		Suzi & Tony Hunt	
	A-2	1445 SE Division St Portland, OR 97202	WILLIEDEAN
	Floor Plans	Plotted On: 12/18/2015	6 DR - 6 SR - 3 1 1 7 WILLIE@GROUNDUPDESIDNWORKS.COM

EXH <-2



5×H <-3



LU16-103308 HR