



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

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**STAFF REPORT AND RECOMMENDATION TO CITY COUNCIL**

CASE FILE: LU 15-167566 DM (PC # 15-137548)  
**Demolition Review for a Contributing Garage at  
1609 SE 16<sup>th</sup> Avenue in the Ladd's Addition  
Historic District**

REVIEW BY: Portland City Council  
WHEN: Thursday, September 10, 2015 @ 2:00pm  
WHERE: 1221 SW Fourth Ave., Council Chambers  
Portland, OR 97204

**BUREAU OF DEVELOPMENT SERVICES STAFF: HILLARY ADAM / [HILLARY.ADAM@PORTLANDOREGON.GOV](mailto:HILLARY.ADAM@PORTLANDOREGON.GOV)**

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**GENERAL INFORMATION**

**Applicant:** Sarah Curtiss, Owner Representative  
Stoel Rives LLP  
900 SW Fifth Ave, Ste 2600  
Portland, OR 97204-1268

Ryan B Buchanan, Owner  
1609 SE 16th Ave  
Portland, OR 97214-2426

**Site Address:** 1609 SE 16TH AVE

**Legal Description:** BLOCK 15 LOT 7&8, LADDS ADD  
**Tax Account No.:** R463303430  
**State ID No.:** 1S1E02DB 13300  
**Quarter Section:** 3232

**Neighborhood:** Hosford-Abernethy, contact Joanne Stainbrook at 503-231-9245.  
**Business District:** Hawthorne Blvd. Bus. Assoc., contact Hilda Stevens at 503-774-2832.  
**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.

**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 – Residential 5,000 with Historic Resource Protection overlay

**Case Type:** DM – Demolition Review  
**Procedure:** Type IV, following a public 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 1925 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 garage with an upper level accessory dwelling unit to replace the demolished garage; approval of the replacement structure would occur through a separate Historic Resource Review.

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

**Approval Criteria:**

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

- 33.846 Historic Resource Review
- 33.846.070 Demolition Review

**ANALYSIS**

**Site and Vicinity:** The site is located on a large, 10,240 square feet parcel in the north end of Ladd's Addition, at the southeast corner of the intersection of SE 16<sup>th</sup> Avenue and Holly Street. The site is developed with an existing two-story Craftsman-Prairie style home with dormers. The house was originally built for and owned by Samuel Jagger of Morrison Electric, constructed in 1911 by H.L Camp and Company. The house is oriented to the north portion of the lot, with entry porch and driveway facing SE 16<sup>th</sup> Avenue to the east, and features a large south side yard between the home and the alley. Both the residence and the original contributing garage from 1925 became deteriorated over the years. Ryan and Shannon Buchanan purchased the property in February of 2012 and proceeded to rehabilitate the residence. In May of 2012, the garage was collapsed with only the roof remaining. An August 2012 land use approval required that the garage be reconstructed near the alley with the historic garage roof to be incorporated into the reconstructed building. Unfortunately, the garage roof was removed from the site, resulting in an unapproved demolition of the historic structure.

The surrounding area is exclusively residential, although one block to the north is the east-west Hawthorne Boulevard commercial corridor. Most nearby properties are existing, well-maintained homes and small apartment structures of similar early twentieth-century vintage as the home on this site. The abutting streets are all improved with paved roadways, on-street parking, curbing, street trees, and paved public sidewalks.

**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 that prior land use reviews include the following:

- LU 12-140629 HDZ – approval of a Historic Design Review for exterior alterations to the house, including window replacement, window and door alterations, a large new deck and guardrail system, changes to parking areas and walkways, and relocation and reconstruction of the historic garage;
- LU 14-122929 HR – denial of Historic Resource Review to replace and enlarge a street-facing basement window on the north façade; and
- LU 14-138918 HR – pending Historic Resource Review for a new two-story detached garage with 2<sup>nd</sup> floor apartment in the approximate location where an original contributing detached garage was supposed to be constructed per the 2012 Historic Design Review at the site.

**Agency Review:** A "Request for Response" was mailed **June 11, 2015**.

The Bureau of Environmental Services responded, noting that a stormwater report would be necessary to evaluate the details of the proposed replacement structure, but does not otherwise impact the Demolition Review. Please see Exhibit E-1 for additional details.

The following Bureaus have responded with no issues or concerns:

- Water Bureau
- Life Safety Division of BDS
- Fire Bureau
- Site Development Section of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on July 7, 2015. 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.

- Anonymous, on July 26, 2015, wrote in opposition to the size of the proposed replacement structure and also with concerns that the retroactive approval of demolition for a contributing resource would set a dangerous precedent for property owners who want to bypass the review process. 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. 7-12: Approval criteria met, or potentially met, by the proposal***

***Pg. 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.*

## **Approval criteria met, or potentially met, by the proposal**

### **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 2.2 *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.”

The proposed replacement structure includes a 400 square foot studio apartment above a garage. This relatively small unit provides a relatively affordable housing opportunity in a desirable close-in neighborhood. 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.

Staff acknowledges that given the relatively large size of the property (over 10,000sf in a R5 zone), these opportunities may have been possible without demolition of the contributing garage; however, this goal, as it reads, is met.

*This criterion is 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 4.7 *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 garage with a relatively small (400sf) residential unit. The smaller unit 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.

*This criterion is 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, it is prudent to consider this possibility. As such, 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 building features design elements such as a hipped roof with hipped dormer, deep eaves, paired brackets, double-hung windows, and potentially a flattened pediment, all of which are found on the existing house, also a contributing resource in the district. By repeating these design elements on the new building, the historic character of the property and the district will be reinforced.

While Policy 5.1 encourages the rehabilitation and adaptive reuse of buildings for employment and housing opportunities and this proposal, in contrast, includes the demolition of a historic resource, staff notes that the relative significance and condition of each historic resource must be considered on their merits. While further discussed under Goal 12 *Urban Design* below, staff notes that the garage in question was significantly deteriorated as is described in the Inspection Report (Exhibit A-8). Based on the Inspection Report and accompanying letter from the Inspector, it seems that if the garage had been able to be rehabilitated for residential use, very little actual historic material would have been able to be saved, resulting in what would amount to a reconstruction of the historic resource, rather than a rehabilitation or restoration of the



resource. In addition, in the letter, the Inspector states that if the garage had been relocated to the alley (as was requested by the City as part of a prior land use review), the garage would not have survived the move.

*With special consideration of the extent of deterioration noted in the Inspection Report and accompanying letter, this criterion is met.*

#### **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, 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.*

#### **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."

Objective C of Policy 12.6 *Preserve Neighborhoods* 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."

As was noted under Goal 2 Urban Development, the contributing garage in question was inspected prior to the homeowners' purchase of the property. The inspection report, dated December 7, 2011 does not indicate that any elements other than the floor of the garage as "serviceable" and instead notes that "the garage is leaning over". The report continues: "The foundation appears weak and has settled. The roof appears to leak and the framing at the eastern roof penetrations are open, damaged and due for replacement. Have a general contractor take a look at the garage from the standpoint of

repair [versus] replace. I suspect the cost to repair this structure will exceed the cost to replace it. Proceed based on the contractor's findings and recommendations."

Shortly after the homeowners purchased the property, the garage was collapsed, leaving only the roof more or less intact. Through a separate land use application that was reviewed at that time, the homeowners were informed that removal of the garage would require a Type IV Demolition Review; they were encouraged to relocate and reconstruct the garage facing the alley. Instead, the garage was removed from the property, prompting the need for this Type IV Demolition Review. In a letter dated June 1, 2014, the original inspector noted that the garage, as he had found it in 2011, would not have survived the suggested relocation.

While Goal 12 encourages preservation of historic structures, the merits of the structure to be preserved must be considered. One of the distinctive characteristics of the Ladd's Addition Historic District, is the layout of the street pattern with diagonal avenues, rose gardens in each quadrant and a central circle, as well as the rear alleys. The rear alleys allow a minimum of curb cuts along the property frontages and result in garages appearing primarily at the rear yard. As such, the subject garage was a bit of an anomaly in the neighborhood. While this relative uniqueness is sometimes a reason to preserve a specific structure, it should be noted that parking areas accessed from the front yard are discouraged in the design guidelines for the Ladd's Addition Historic District while parking in the rear yard or beneath new construction is encouraged. The guidelines also encourage maintenance of original garages and their continued use as garages rather than converted to other uses. Unfortunately, as described above, the original garage was not maintained and the new homeowners inherited a structure in rather poor condition.

The proposed replacement structure would reinforce the alley garage condition which is prevalent in Ladd's Addition, thus reinforcing this unique characteristic of the neighborhood. In addition, the proposed replacement structure would increase density while building on the attractive qualities that distinguish the area through its utilization of building elements found on the primary residence.

While Bureau of Development Services staff encouraged preservation of the structure through the prior land use review, the building was unfortunately demolished and removed from the property, thus removing the opportunity for staff to fully investigate the structure's condition or potential significance. That said, the applicant has provided information documenting the building's condition which has been described above. In addition, staff is able to study the relative significance of the structure through other available information including historical records. As such, staff notes that the garage was built in 1925, 14 years after construction of the primary residence. While the garage featured building elements that corresponded to the primary residence such as the flattened gable pediment and stucco and lap siding, it was built in the middle of the property with access via the front yard, rather than the rear alley which is more typical of the historic district. The garage, while a contributing resource, was also an accessory structure on the property, used for the utilitarian purpose of vehicle storage. As such, the significance of the structure, relative to that of the primary residence, is minor. Because of the garage's relatively minor significance, poor condition, and improper original siting, staff concludes that the loss of this original garage is of relatively little consequence and that the proposed replacement structure, as designed, would better reinforce the character of the historic district.

*On balance, staff finds that this criterion is 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 such, the proposal provides the opportunity for a new housing unit to be available to those with a relatively lower income.

*This criterion is 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."

Since purchasing the property, the homeowners have made significant improvements in the appearance of the property. Prior to their purchase, the property was in disrepair and frequently reported for Code Compliance violations. The owners have rehabilitated the residence and improved the yard, thus improving the overall appearance of the property. At the time of their purchase, the garage in question was significantly deteriorated and was subsequently collapsed, prompting an additional Code Compliance report. The garage was then removed from the property, apparently as a result of a misunderstanding of the Code requirements.

As noted above under Goal 12, the design guidelines for Ladd's Addition encourage maintenance of original garages for continued use as garages and also encourage garages to not be located with access from the front yard, instead encouraging rear yard garages accessed from the alleys. They also encourage locating garages under buildings. The proposed replacement structure will be for a new garage located at the alley, with a small residential unit above, thus both meeting and not meeting the desired condition of garages in Ladd's Addition. The design guidelines also encourage retention of lawns and mature trees, as well as front and side yards that are visually open to the street. The homeowners have removed the old driveway and replanted the area with lawn and other plantings. A new visually permeable fence encloses the yard where the driveway once crossed. This yard work, which does not require review or a permit, has resulted in a front yard more in keeping with the desired characteristics of the historic district. Closure of the historic curb cut would better ensure that vehicles would not be permitted to cross the front property line in the future and, as such, staff has added a condition of approval requiring the curb cut be closed.

As is also noted above, due to the unique layout of Ladd's Addition, including the relatively unique and character-defining condition of rear alleys, many garages in Ladd's Addition have been designated as contributing resources. The alley garages are part of the historic character that contributes to the significance of the Ladd's Addition Historic District. The subject garage, however, was not located at the alley, and was therefore an anomaly in the district. The garage's relative significance to both the house and other garages in the district has been described above. While the loss of original resources is generally not desired, staff notes that the relative significance of the garage, weakened by its original siting and later construction date, as well as its poor condition, are worth considering with regard to the merits of its preservation. Staff contends that the proposed replacement structure would enhance the special identity of the neighborhood and is a suitable replacement.

*On balance, and with the condition of approval requiring closure of the historic curb cut on Se 16<sup>th</sup> Avenue, staff finds that this criterion is met.*

## **Approval criteria not met by proposal**

### **COMPREHENSIVE PLAN**

#### **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. As noted under Goal 2 *Urban Development*, the site is rather large and could potentially have been able to accommodate preservation of the garage as well development of an additional housing unit. The proposal in question results in both increased density as well as demolition of a historic resource; therefore this goal is both met and not met.

*This criterion is both met and 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. As such, if the application were to be denied, the best the property owners could

do would be to reconstruct the garage using available historical information. The removal of a historic resource without the benefit of review is a serious offense and is not justified on the simple basis that the resource no longer exists and therefore its demolition must be accepted.

As is noted in the approval criteria listed on pages 4-5, one must consider the merits of preservation of a specific resource proposed for demolition, recognizing that historic resources are irreplaceable assets that preserve our heritage, beautify the city, enhance civic identity, and promote economic vitality. While the garage in question is listed as a “contributing resource”, staff contends that not all resources contribute the same quality or magnitude of significance to a district. While garages, particularly garages on alleys, in Ladd’s Addition contribute to the historic significance of the district, the neighborhood was established as a residential neighborhood and therefore residences, not garages, are of primary significance in the district.

As outlined in the findings above, the proposed replacement structure reinforces the garage alley condition prevalent in the district, reinforces the character of the district through the employment of design elements featured on the primary residence, and provides the opportunity for a new modest residential or short-term rental unit. The loss of the contributing garage does not significantly impact the desired character of the area, while the proposed replacement structure will serve to enhance the desired character of the area.

Three prior Type IV Demolition Reviews have been heard by City Council (LU 09-171259 DM, LU 14-210073 DM, and LU 14-249689 DM). In each case, City Council indicated that in order for a Demolition Review to be approved, the replacement development must provide a significant public benefit in order to make up for the loss of the historic resource. As each of those cases were unique with regard to the historic resources in question and the development proposed as their replacement, so is this case. Unlike the prior cases, this application is for the demolition of an accessory structure held off from the street edge rather than a primary structure built on public land or at the street edge. The subject building was a modest utilitarian structure with modest decoration that had significantly deteriorated under prior ownership.

The Historic Landmarks Commission noted that it was important to not allow demolition by neglect to serve as a basis for approving the requested Demolition Review and approached the question as though the subject building was still standing. They questioned whether or not it was acceptable to expand the use of the garage to include an accessory dwelling unit, but noted that, given the specific approval criteria, the proposed accessory dwelling unit helps strengthen the case for demolition. At the July 27, 2015 advice meeting, the Commission also noted that the scale of the request for demolition of an accessory structure might warrant a lower level of review with a different set of approval criteria and noted concerns with the City’s lack of regulations regarding demolition by neglect. With regard to the proposed replacement structure, the Commission suggested that the scale of the building be reduced slightly to be more appropriately scaled to the alley, and noted that the proposed location of the building would strengthen the historic pattern of the neighborhood which features garages at the alleys.

If a proposed replacement development must have significant public benefit in order to compensate for the loss of a historic resource, the public benefit of the historic resource in question must be considered. Staff contends that the historic resource in this case provided relatively little public benefit, therefore the burden on the replacement proposal is less than it has been in prior cases. While some accessory structures are most certainly worthy of preservation, not all of them, simply based on their designation as a contributing resource, make them worthy of such effort. In this case, the garage was significantly deteriorated and of relatively little historical significance; in contrast, the proposed replacement structure will help strengthen and enhance the character of the district, which will add to the public’s enjoyment of the district. On balance, the proposal to demolish the contributing garage and construct a replacement garage with a 2<sup>nd</sup> level residential unit as represented in Exhibit A-11 (applicant’s

Exhibit H), has been found to meet the goals and policies of the Comprehensive Plan, and therefore warrants approval.

### **TENTATIVE STAFF RECOMMENDATION**

(May be revised upon receipt of new information at any time prior to the City Council decision)

Approval of demolition of a 1925 garage, listed as a contributing resource in the Ladd's Addition Historic District, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) 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 15-167566 DM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The historic curb cut on SE 16<sup>th</sup> Avenue shall be closed.

**Procedural Information.** The application for this land use review was submitted on May 8, 2015, and was determined to be complete on Jun 2, 2015.

*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 May 8, 2015.

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: September 30, 2015.**

**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.

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

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

**This 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 (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: Hillary Adam

Date: August 26, 2015

### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

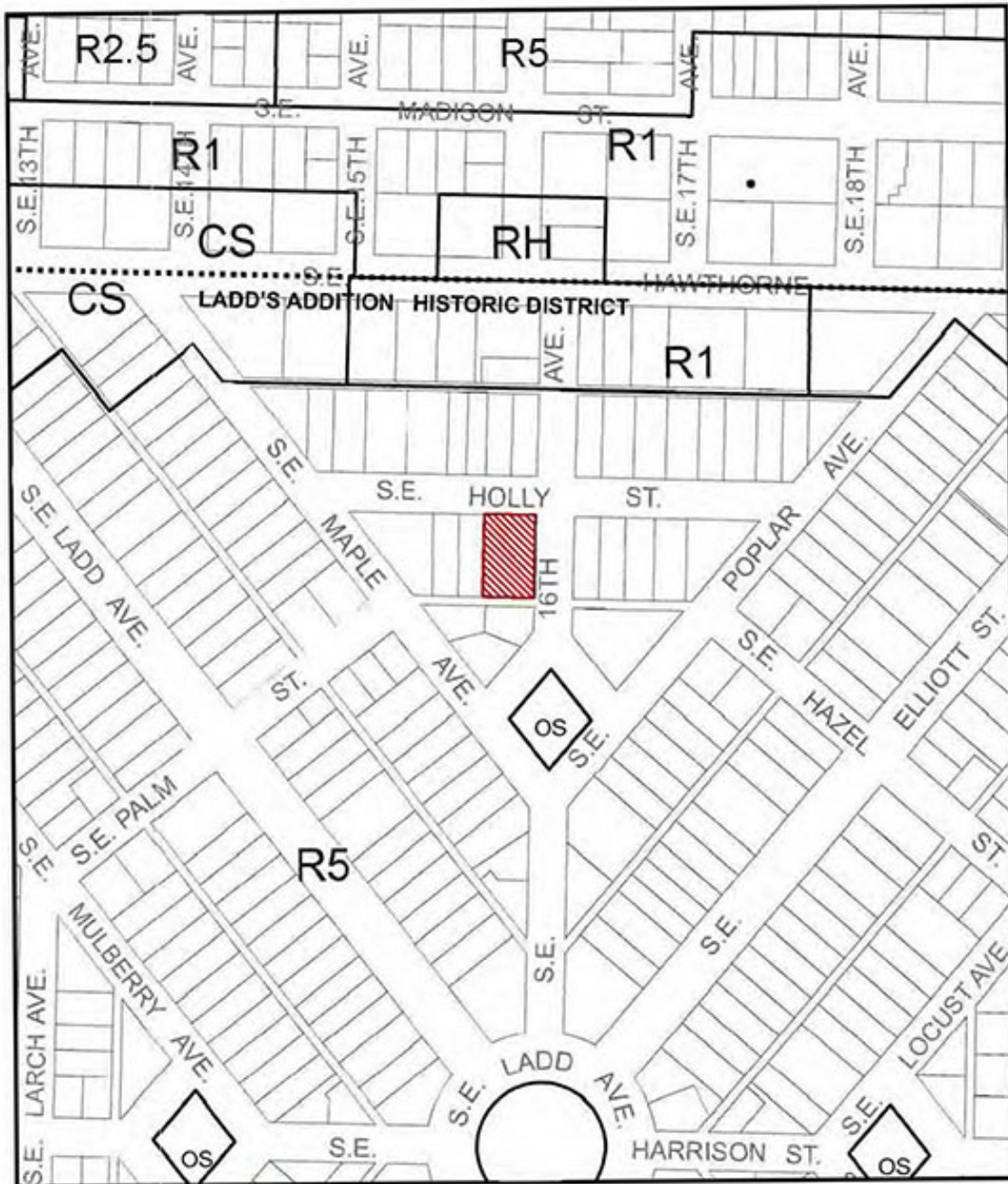
- A. Applicant's Statement:
  1. Narrative
  2. Pre-Application Conference Summary
  3. Photos of Property from 2012
  4. Permit History, per Portland Maps
  5. Photos of Property after rehabilitation
  6. Letter of support from Patrick Maloney, dated May 20, 2014
  7. Letter of support from Thomas R. Nutt (undated)
  8. Letter from Toby Deming, Inspector, dated June 1, 2014 and Inspection Report, dated December 7, 2011
  9. Photos of Garage after collapsed
  10. Letter of support from David Kaplan, dated December 11, 2014
  11. Design details and Drawings for Replacement development
  12. Revised Drawings, dated July 16, 2015
- B. Zoning Map (attached):
- C. Plans & Drawings:
  1. Tentative Site Plan
  2. Tentative South & East Elevations
  3. Tentative North & West Elevations
- 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. Mailing list
  6. Mailed notice
  7. Posting Notice for rescheduled hearing date
  8. Notice of Rescheduled hearing date
  9. Mailing list for rescheduled hearing date
- E. Agency Responses:
  1. Bureau of Environmental Services
  2. Water Bureau
  3. Life Safety Division of BDS
- F. Letters:
  1. Anonymous, on July 26, 2015, wrote in opposition to the size of the proposed replacement structure and also with concerns that the retroactive approval of demolition for a contributing resource would set a dangerous precedent for property owners who want to bypass the review process.



G. Other:

1. Original LUR Application
2. National Register Information
3. Staff Report and Recommendation, dated July 17, 2015
4. Applicant Materials forwarded to the Historic Landmarks Commission
5. Staff Presentation to the Historic Landmarks Commission, dated July 27, 2015
6. Photo of Front yard, distributed by Applicant, July 27, 2015

**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



Historic Landmark



NORTH

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

File No. LU 15-167566 DM  
 1/4 Section 3232  
 Scale 1 inch = 200 feet  
 State\_Id 1S1E02DB 13300  
 Exhibit B (May. 12, 2015)



LAND USE  
REVIEW

©WEEDMAN DESIGN PARTNERS  
THESE DRAWINGS ARE THE PROPERTY OF  
WEEDMAN DESIGN PARTNERS AND ARE  
NOT TO BE REPRODUCED IN ANY  
MANNER EXCEPT WITH THE PRIOR  
WRITTEN APPROVAL OF WEEDMAN DESIGN  
PARTNERS.

**BUCHANAN  
GARAGE**

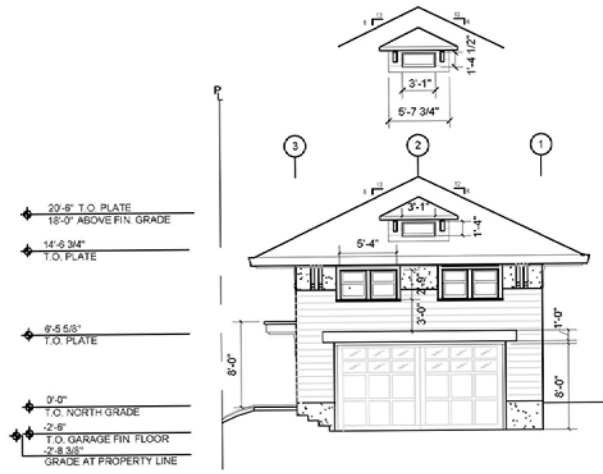
1609 SE 16TH AVENUE  
PORTLAND, OREGON 97214

**WDP**  
WEEDMAN DESIGN PARTNERS  
1033 SE MAIN STREET #1, PORTLAND, OR 97214  
503.517.9709

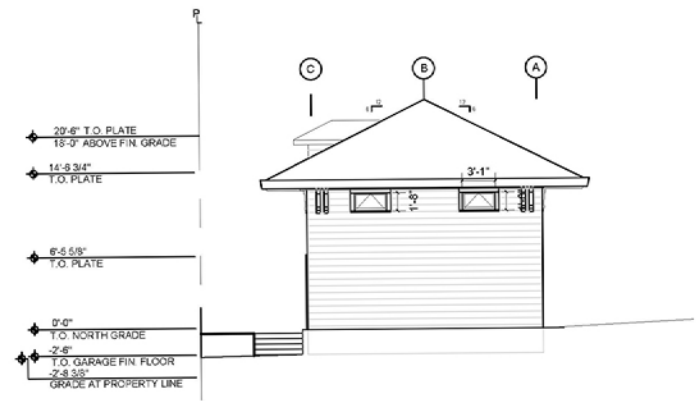
REV	DATE	DESCRIPTION
1	07/16/2015	D.O.T. NOTES

DRAWN BY: EAM  
DATE: 07/16/2015

**A7.00  
EXTERIOR  
ELEVATIONS**



**1 SOUTH ELEVATION**  
A7.0 3/32" = 1'-0"



**2 EAST ELEVATION**  
A7.0 3/32" = 1'-0"





**City of Portland, Oregon**  
**Bureau of Development Services**  
**Inspection 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:** August 5, 2015  
**To:** Interested Person  
**From:** Hillary Adam, Land Use Services  
503-823-3581 / Hillary.Adam@portlandoregon.gov

**NOTICE OF A Rescheduled PUBLIC HEARING ON A PROPOSAL IN YOUR NEIGHBORHOOD**

**CASE FILE:** LU 15-167566 DM (PC # 15-137548)  
**Demolition Review for a Contributing Garage at 1609 SE 16<sup>th</sup> Avenue in the Ladd's Addition Historic District**

**REVIEW BY:** Portland City Council  
**WHEN:** **Thursday, September 10, 2015 @ 2:00pm**  
*(rescheduled from September 3, 2015 @ 2:00pm)*  
**WHERE:** 1221 SW Fourth Ave., Council Chambers  
Portland, OR 97204

**All other information from the original notice, dated July 7, 2015, remains the same.**  
*Please contact the planner listed above, Hillary Adam, if you have any questions.*

Development has been proposed in your neighborhood requiring a land use review. I am the staff person handling the case. Please call me if you have questions regarding this proposal. Please contact the applicant if you have questions regarding any future development on the site.

**Applicant:** Sarah Curtiss / Stoel Rives LLP  
900 SW Fifth Ave Ste 2600 / Portland, OR 97204-1268

**Owner:** Ryan B Buchanan  
1609 SE 16th Ave / Portland, OR 97214-2426

**Site Address:** 1609 SE 16TH AVE  
**Neighborhood:** Hosford-Abernethy, contact Joanne Stainbrook at 503-231-9245.  
**Business District:** Hawthorne Blvd. Bus. Assoc., contact Hilda Stevens at 503-774-2832.  
**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.  
**Case Type:** DM - Demolition Review  
**Procedure:** Type IV, following a public meeting before the Historic Landmarks Commission there will be a hearing before City Council.

**Proposal:**  
The applicant requests Demolition Review approval for the demolition of a 1925 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 garage with an upper level accessory dwelling unit to replace the demolished garage; approval of the replacement structure would occur through a separate Historic Resource Review.