



City of Portland, Oregon
Bureau of Development Services
Land Use Services

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Portland, Oregon 97201
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Date: April 22, 2010
To: Interested Person
From: Noelle Elliott, Land Use Services
503-823-0624 / Noelle.Elliott@ci.portland.or.us

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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 10-103371 HDZ – BASEMENT WINDOW AT 1812 SE HARRISON STREET

GENERAL INFORMATION

Applicant: Joseph T Nelson, Owner
1812 SE Harrison St
Portland, OR 97214

Representative: Larry Ferreira, 503.475.7929
PO Box 132
Rhododendron, OR 97049

Site Address: 1812 SE Harrison Street

Legal Description: BLOCK 26 LOT 4, LADDS ADD
Tax Account No.: R463305860
State ID No.: 1S1E02DC 00700
Quarter Section: 3232
Neighborhood: Hosford-Abernethy, contact Kina Voelz at 971-207-9243.
Business District: Division-Clinton Business Association, contact Darice Robinson at 503-233-1888.

District Coalition: Southeast Uplift, contact Leah Hyman at 503-232-0010.
Plan District: Ladd's Addition Historic District
Zoning: R5: Residential 5,000 SF
Case Type: HDZ: Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant seeks historic design approval to add one new wood basement window and metal window well to the rear (southeast) façade of a single-story house located within the Ladd's Addition Historic District. The new window well will be located below grade, with one side flush with the rear driveway, and will be formed of corrugated metal detailed with brick. The basement window will be recessed within the basement wall to closely match the recess

dimension of the existing basement windows and window openings on the southeast side of the house. The new basement window will be a wood frame casement style with divided lights, and will measure 4'-6" wide and 3'-0" tall, with the well measuring 2'-3" deep below grade.

Because the proposal is in an historic district and exterior alterations are proposed, Historic Design Review is required.

Relevant Approval Criteria:

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

- Chapter 33.846 Historic Reviews ■ Ladd's Addition Historic Design Guidelines

ANALYSIS

Site and Vicinity:

The site includes a 1,065 square foot bungalow-style residence, built in 1924. The one-story rectangular building has a moderately-pitched gabled roof with projecting eaves and exposed rafters, and is clad in stucco with beveled siding in the gable ends, with a concrete foundation and a concrete stoop. The centered entry door has wrought-iron railings and a jerkinhead gabled overdoor with an enclosed pediment, boxed eaves, and jigsawn brackets. Windows are primarily multi-light wood casements, although the attached garage on the southern end of the building includes two polygonal bay windows with hipped roofs and multiple lights that are not original to the house (modified prior to the Historic District nomination). The site includes an attached one-story carport on the southwesterly elevation. The lot is triangular in shape and is located on the northwest corner of the block with a shallow street setback. The dwelling is listed as "non-contributing - compatible/historic" to the Historic District.

The building is located at the corner of SE Harrison Street and SE Cypress Avenue and faces the easternmost rose garden within the Ladd's District neighborhood. The house borders an alley to the east. The surrounding streets and alley are designated City Bikeways and Walkways by the City of Portland Transportation Plan.

Ladd's Addition is Portland's oldest planned residential community (1891) and one of the oldest in the western United States. Ladd's radial street plan marked a dramatic break in Portland's typical grid street pattern. With a formal symmetry echoing Renaissance cities and gardens, the radial streets converge at five formal gardens, which are the showpieces of the community. Parking strips are lines with mature street trees, green archways of elms and maples. The architectural character of Ladd's Addition was established in the three decades following the turn of the century. Although the individual structures represent a variety of styles, including Bungalow, Mission, Tudor and Colonial Revival, they have a continuity of materials, scale, detailing, orientation and setback which creates a sense of architectural uniformity.

Zoning:

The Residential 5,000 (R5) is a single-dwelling zone 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.

The Historic Resource Protection Overlay Zone serves to protect 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 Historic District:

A Historic District is a special designation for areas where the preservation of an historic built environment is the declared City policy and the desire of the district residents and owners. The historic district designation is intended to provide the City and district residents with control over those architectural and community features which are essential to the preservation of the district character.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed on March 29, 2010. None of the contacted Bureaus responded with issues or concerns:

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on March 29, 2010. 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, Historic Reviews

Purpose of Historic Design Review

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

Historic Design 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.

Findings: The site is located within the Ladd’s Addition Historic District. Therefore the proposal requires historic design review approval. The relevant approval criteria are the Ladd’s Addition Conservation District Design Guidelines.

Ladd’s Addition Conservation District Guidelines

The revised Ladd’s Addition guidelines were adopted in 1988, with both the Ladd’s Addition Conservation District Advisory Council and the Landmarks Commission and staff participating in their formulation. The basic intent of the guidelines is to ensure that new development in the district is compatible with the character and the architecture, which distinguish Ladd’s Addition. The guidelines document is organized around three general topic areas: community design, new construction, and exterior remodeling.

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

Open Space Guidelines

- 4. Private Open Space, Front Yards.** Front and side yards, which abut a street should be visually open to a 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. Original grade should be retained; berms and excavations are discouraged.

Findings: The addition of one new basement window and one window well on the rear of the residence does not impact the front or side yard, and is visually screened by the building from the street, therefore no visual alteration is proposed to the front yard or private open space that abuts the street. *This guideline is therefore met.*

Exterior Rehabilitation Guidelines

1. **Foundations.** Changes to the foundation should match or be compatible with the original foundation in height and materials.
6. **Windows and Doors.** Original windows and doors, including trim, should be retained or restored. If repair is not feasible, new windows or windows on additions should match or be compatible with original windows in form, materials, type, pattern and placement of openings. On residences, the removal of original wood sash windows and replacement with aluminum sash is especially discouraged. Restoration of commercial storefront windows with large fixed glass panes below and smaller glass panes above is especially encouraged.
11. **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 building lines, as viewed from the street.

Findings for Exterior Rehabilitation Guidelines 1, 6, and 11: The new basement level window and window well proposed for the rear façade of the single-family residence are carefully integrated with the building design in order to complement the character of the existing building and the Historic District. The new egress window measuring 3'-0" tall by 4'-6" wide closely matches frame profile of the windows used on the first floor and basement level of the residence. The wood materiality and multi-pane style of the window allows for the traditional profile and character found in the building's historic wood windows. Furthermore, the new window matches characteristics of the building's original basement level window openings. The new window exhibits a recess from the outer-face of the basement wall of approximately 0'-2" to match the recessed dimension of the building's existing basement windows. In addition, the window is a multi pane style, common to the existing basement windows on the residence. The new window well complements the historic character of the residence by being flush with the concrete patio/driveway and detailed in brick, which draws on the character of the building foundation while drawing minimal attention to the opening. The existing plantings and development to the south the house help to screen the new window and window well from site from the adjacent alley and sidewalk. As the window well is below-grade, it does not limit visibility of the house from the adjacent public areas of the sidewalk or alley. *These guidelines are therefore met.*

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

Findings: The addition of one new window to the basement level of the existing structure on the rear facade increases the transparency between the building and the exterior environment, thereby potentially reducing the risk of criminal activity in the near vicinity. The new window opens to a living space, which provides increased opportunities of passive surveillance of the surrounding environment, including the adjacent alley. The potential for increased surveillance of the neighborhood improves the safety of the pedestrian environment, which supports an active, community-oriented neighborhood. *This guideline is therefore 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 design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The new basement level window is well integrated with the historic building through its consistency with the materiality, character, frame profile, recess within the wall, and general scale of the building's original wood windows. The wood materiality of the new window provides for a historically compatible frame profile that reflects the historic character of the structure and the Historic District. In addition, the new window well is minimally sized, and visually screened by existing plantings and structures, thereby creating little visual impact on the historic character of the house or the neighborhood. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of one new basement level wood window and new window well located on the rear of a single-family residence located within the Ladd's Addition Historic District.

Approval per the approved drawings, Exhibits C-1 through C-3, signed and dated April 20, 2010, subject to the following conditions:

- A. As part of the building permit application submittal, each of the 4 required drawings and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 10-103371 HDZ. No field changes allowed."

Staff Planner: Noelle Elliott



Decision rendered by: _____ **on April 20, 2010**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 22, 2010

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 15, 2010, and was determined to be complete on **March 23, 2010**.

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 15, 2010**.

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.

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 May 6, 2010** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth 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. Low-income individuals appealing a decision for their personal residence that they own in whole or in part may qualify for an appeal fee waiver. In addition, an appeal fee may be waived for a low income individual if the individual resides within the required notification area for the review, and the individual has resided at that address for at least 60 days. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Fee waivers for low-income individuals must be approved prior to filing the appeal; please allow 3 working days for fee waiver approval. 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 **May 7, 2010 – (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.

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

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

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

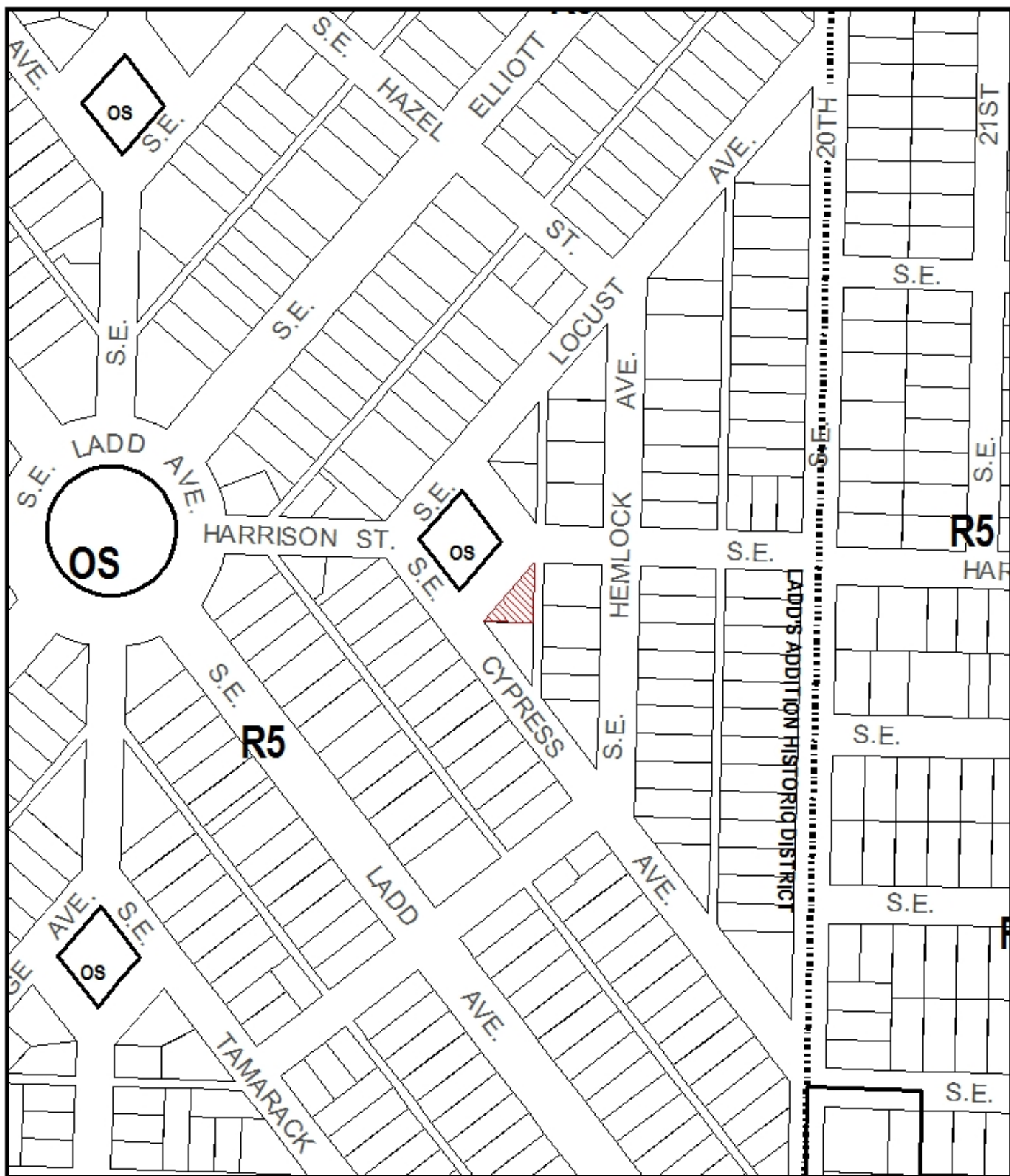
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Ground Floor Plan and Window Well Section
 - 3. Existing and Proposed Window Sections with Window Well (attached)
- D. Notification information:
 - 1. Mailing list

- 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence: none
- G. Other:
 - 1. Original LU Application

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



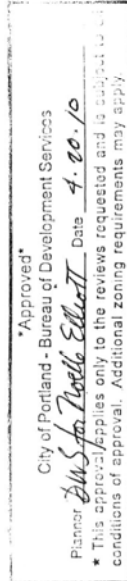
ZONING



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

File No.	LU 10-103371 HDZ
1/4 Section	3232
Scale	1 inch = 200 feet
State_Id	1S1E02DC 700
Exhibit	B (Jan 21,2010)

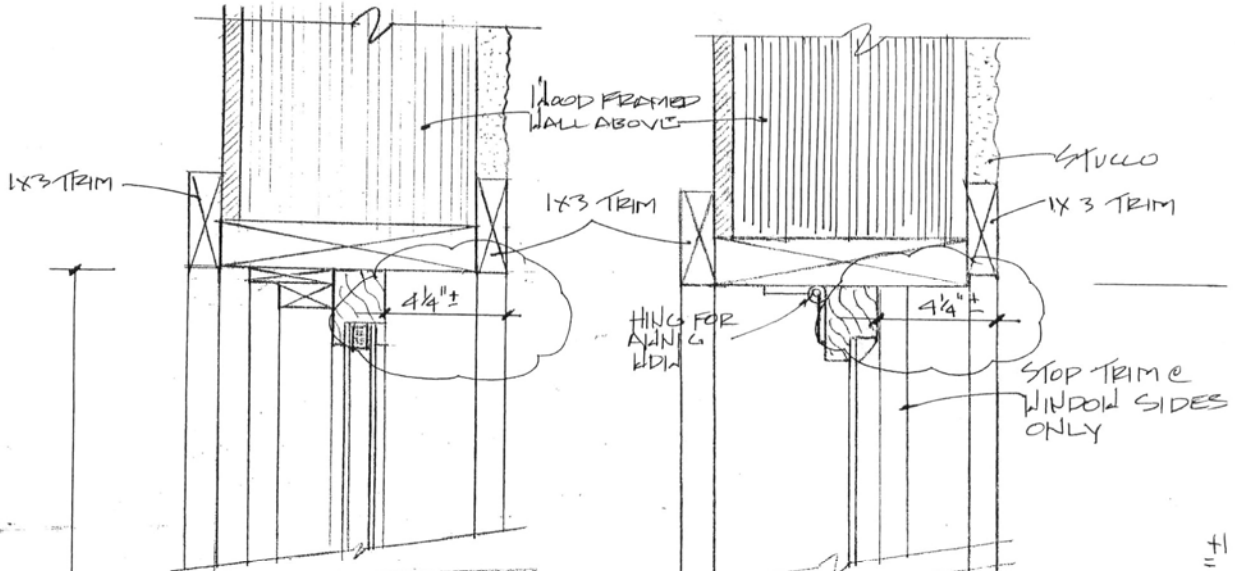
SE HARRISON ST.



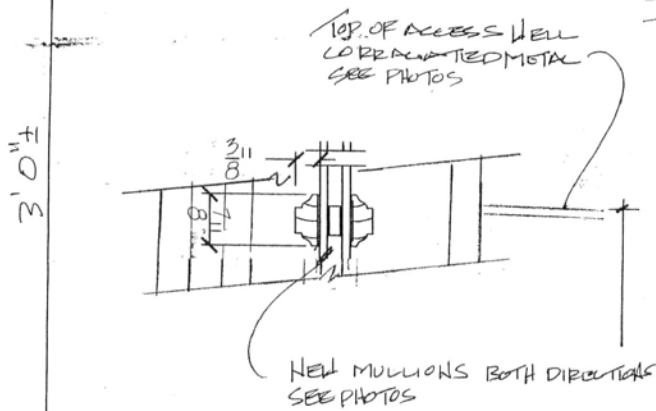
Scale: $1'' = 10'$

NAME : JEFF NELSON
ADDRESS : 1812 SE HARRISON
Portland, OR
R-5 Basement to Habitable Space
converting

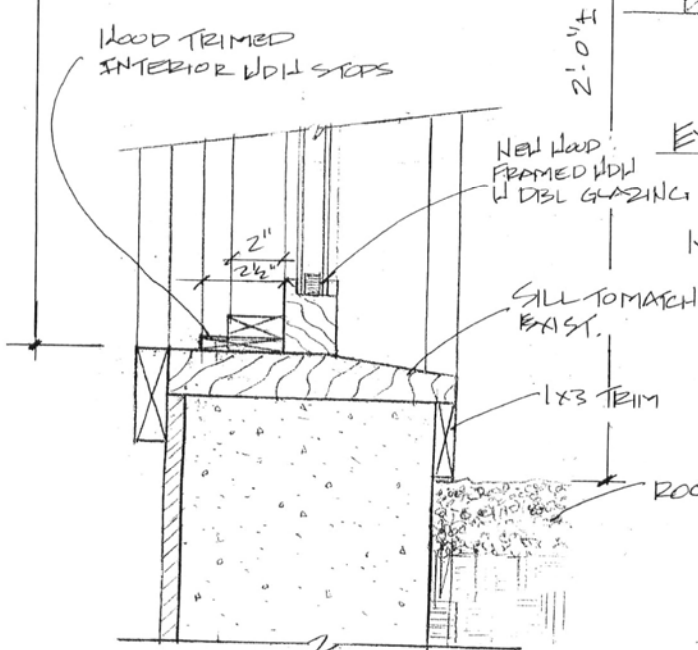
I, U10-1033714DZ1 OF 3



Approved
 City of Portland - Bureau of Development Services
 Planner JWS for Noelle Elliott Date 4.20.10
 * This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



WOOD TRIMMED
 INTERIOR WDW STEPS



NEW CEMENT WDW 4030
 3"=1'0"

EXISTING AWNING WDW
 3"=1'0"

NOTE!
 TYPICAL DETAILS ONLY, REFER
 TO CUTSHEETS & PHOTOS FOR
 ACTUAL SHAPES & COLORS & DETAILS

ROCK TO DRAIN @ ACCESS WELL
 LU 10-103371 HD2
 Exhibit C.3

WINDOW SECTIONS
 1812 SE HARRISON
 LU 10-103371 HD2