



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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www.portlandoregon.gov/bds

Date: August 22, 2013
To: Interested Person
From: Dave Skilton, Land Use Services 503-823-0660
dave.skilton@portlandoregon.gov

NOTICE OF A TYPE I 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 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 it to the Oregon Land Use Board of Appeals (LUBA) at 775 Summer St NE, Suite 330, Salem, OR 97301-1283. The phone number for LUBA is 1-503-373-1265. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 13-184325 HR - WINDOWS

GENERAL INFORMATION

Applicant: Jennifer Krebsbach
7714 SE Harold Street / Portland, OR 97206

Site Address: 2146-2148 SE 12th Avenue

Legal Description: BLOCK 6 LOT 4, LADDS ADD
Tax Account No.: R463301220
State ID No.: 1S1E02CD 03000
Quarter Section: 3231
Neighborhood: Hosford-Abernethy, contact Joanne Stainbrook at 503-231-9245.
Business District: Division-Clinton Business Assoc, Darice Robinson at 503-233-1888.
District Coalition: Southeast Uplift, contact Bob Kellett at 503-232-0010.
Other Designations: Contributing Resource in the Ladd's Addition Historic District, which was listed in the National Register of Historic Places on August 31, 1988.

Zoning: R1, Multi-Dwelling Residential 1000, with Historic Resource Overlay
Case Type: HR, Historic Resource Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant is seeking Historic Resource Review approval for a proposal to replace the existing vinyl-framed windows, installed without benefit of review in 2012, with new aluminum-clad wood windows. Historic Resource Review is required because the proposal is for a non-exempt exterior alteration in a historic district.

Approval Criteria:

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

- Ladd's Addition Conservation District Guidelines – Exterior Rehabilitation

ANALYSIS

Site and Vicinity: The subject property is a story-and-a-half duplex in the English Cottage style, built in 1924 and identified as originally belonging to Mrs. Minnie Kerns. With the exception of the vinyl replacement windows, which are proposed for replacement in this application, the building is historically intact, and it is evaluated as a contributing resource in 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.

Zoning: The R1 zone is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.

The Historic Resource Overlay zone 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.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed **August 1, 2013**.

Neighborhood Review: No written responses were 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 Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

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

Findings: The site is located within the Ladd's Addition Historic District and the proposal is for a non-exempt treatment not requiring a new foundation. Therefore Historic Resource Review approval is required. The approval criteria are the *Ladd's Addition Conservation District Design Guidelines – Exterior Rehabilitation*.

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

Ladd's Addition Conservation District Guidelines – Exterior Rehabilitation

- 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.

Findings: The proposal is for new aluminum-clad wood, multi-light, casement windows in the original openings. These windows are to replace vinyl windows installed without benefit of Historic Resource Review approval. Because it is not possible to retain the original windows, the proposed windows which are a close match in materials and installation, will provide an acceptable alternative. *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 of new windows to replace windows installed without benefit of Historic Resource Review approval, on a contributing duplex in the Ladd's Addition Historic District;

Approval is per Exhibits C-1 through C-3, signed and dated August 19, 2013, subject to the following condition:

- 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 through C-3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-184325 HR."

Staff Planner: Dave Skilton

Decision rendered by:  **on August 19, 2013.**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 22, 2013

Procedural Information. The application for this land use review was submitted on July 24, 2013, and was determined to be complete on July 29, 2013.

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 July 24, 2013.

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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. You may call LUBA at 1-503-373-1265 for further information on filing an appeal.

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.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **August 23, 2013**. 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 it is rendered unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

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:

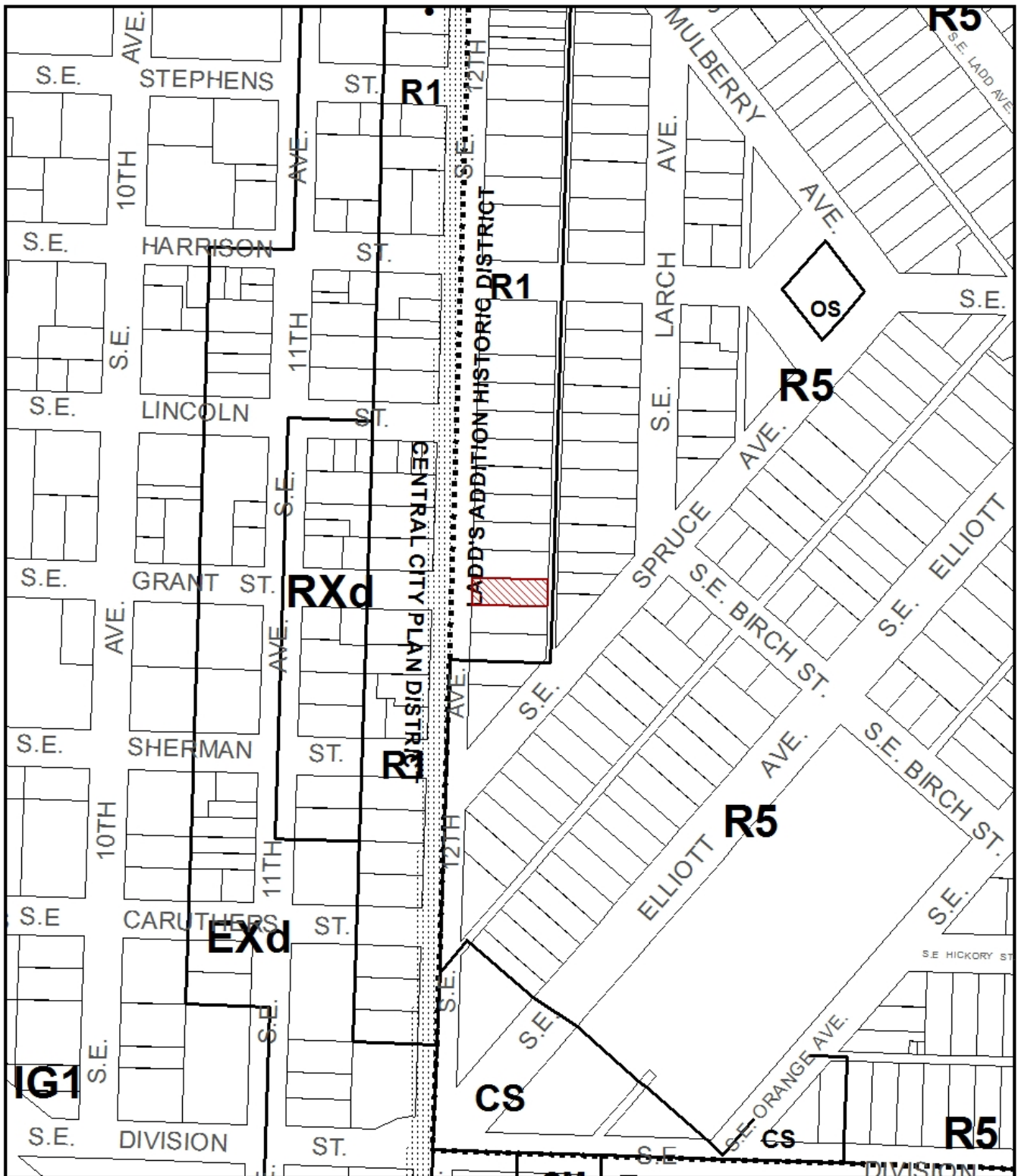
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Proposed Elevations (attached)
 - 3. Window Installation Details (attached)
 - 4. Window Unit Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence:
- 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



Site



Historic Landmark

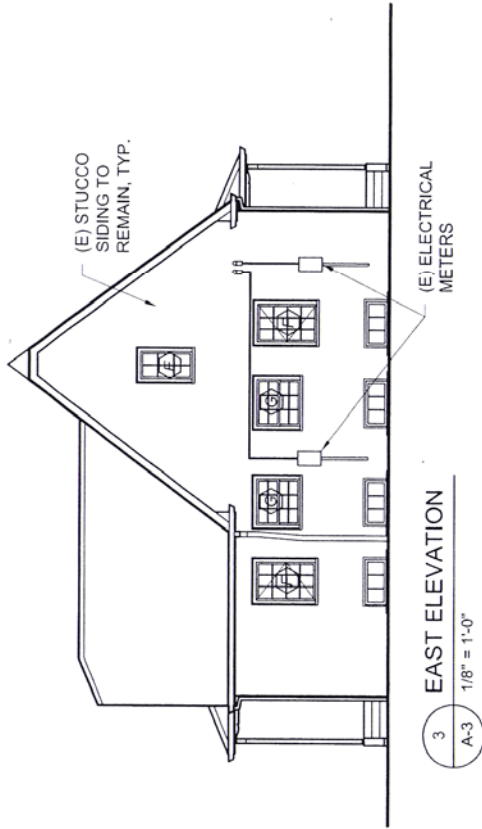
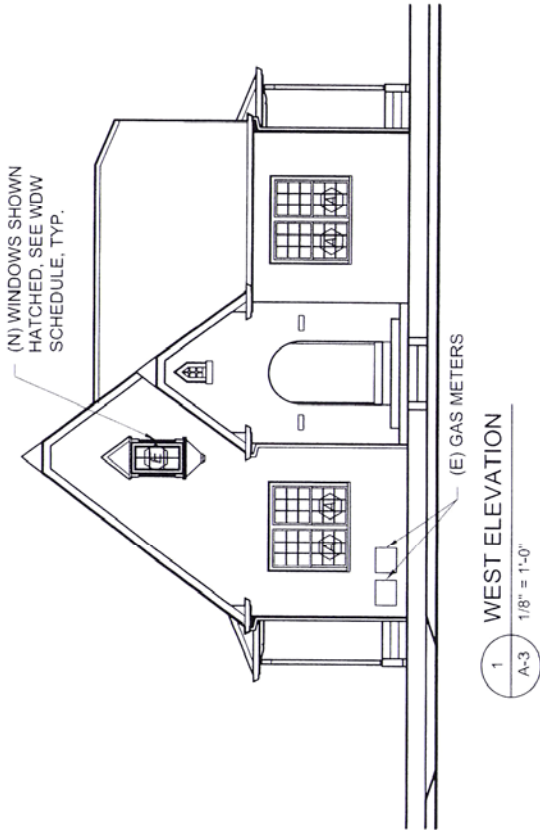


NORTH

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

File No.	LU 13-184325 HR
1/4 Section	3231
Scale	1 inch = 200 feet
State_Id	1S1E02CD 3000
Exhibit	B (Jul 25, 2013)

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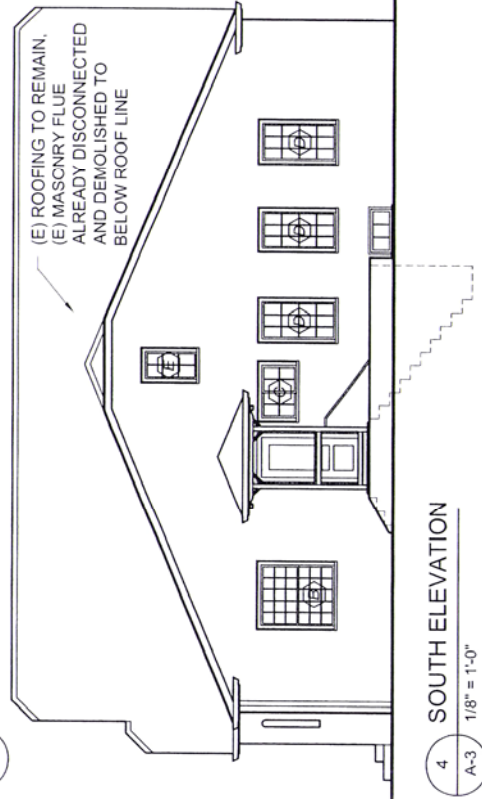
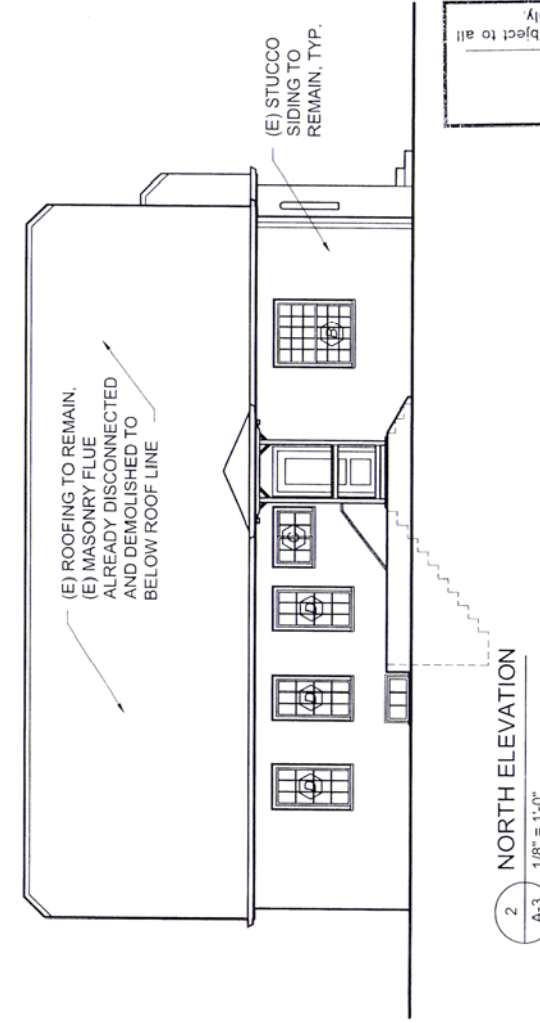


NOTE:

ALL WINDOW OPENINGS ARE EXISTING. EXISTING VINYL WINDOWS TO BE REPLACED WITH NEW ALUMINUM CLAD/WOOD WINDOWS TO MATCH EXISTING SIZE, TYPE, AND DIVIDED LITE PATTERNS.

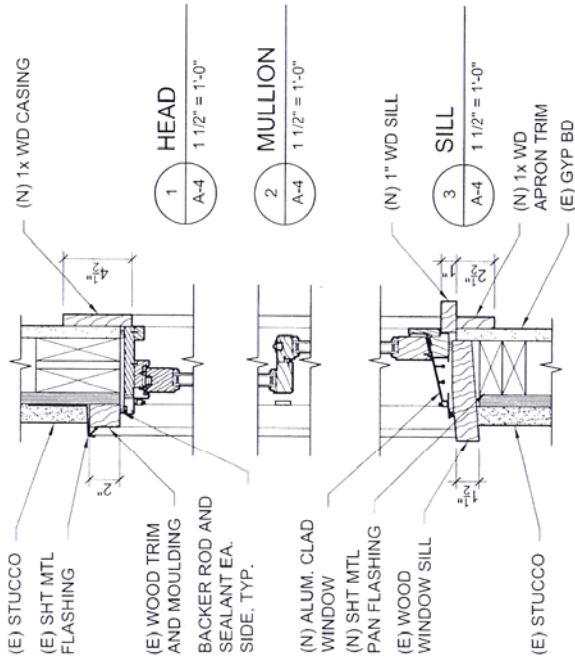
WINDOW SCHEDULE

#	TYPE	SIZE	MANUF.	MTRL	HEAD	HOR. MULL.	JAMB	VERT. MULL.	REMARKS
A	DOUBLE HUNG	V.I.F.	SIERRA PACIFIC	ALUM. CLAD/WOOD	1/A-4	2/A-4	4/A-4	5/A-4	DIVIDED LITES
B	DOUBLE HUNG	V.I.F.	SIERRA PACIFIC	ALUM. CLAD/WOOD	1/A-4	2/A-4	4/A-4	5/A-4	DIVIDED LITES
C	SLIDER	V.I.F.	SIERRA PACIFIC	ALUM. CLAD/WOOD	8/A-4	NA	8/A-4 SIM.	NA	DIVIDED LITES
D	CASEMENT	V.I.F.	SIERRA PACIFIC	ALUM. CLAD/WOOD	6/A-4	NA	6/A-4 SIM.	NA	DIVIDED LITES
E	FIXED	V.I.F.	SIERRA PACIFIC	ALUM. CLAD/WOOD	6/A-4	NA	6/A-4 SIM.	NA	DIVIDED LITES
F	CASEMENT	V.I.F.	SIERRA PACIFIC	ALUM. CLAD/WOOD	6/A-4	NA	6/A-4 SIM.	NA	DIVIDED LITES
G	DOUBLE HUNG	V.I.F.	SIERRA PACIFIC	ALUM. CLAD/WOOD	1/A-4	2/A-4	4/A-4	5/A-4	DIVIDED LITES, FROSTED

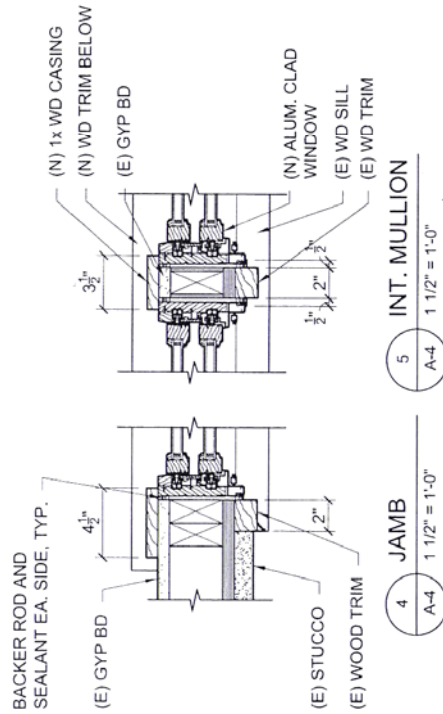


* Approved
City of Portland - Bureau of Development Services
Planner: *David R. Lee*
Date: *8.19.13*
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

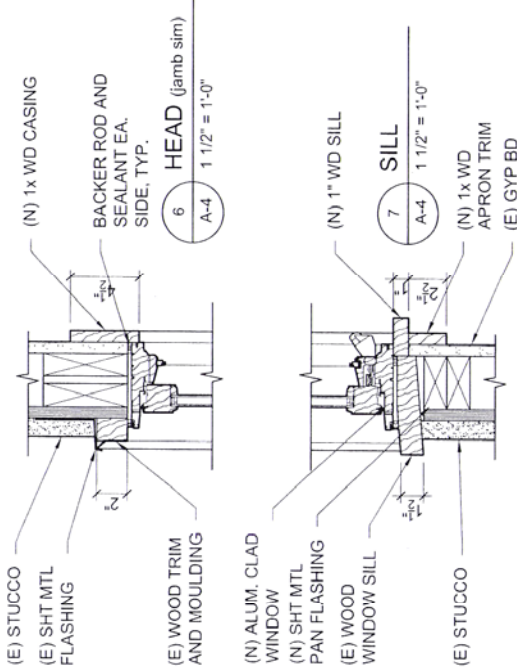
EXTERIOR ELEVATIONS **A-3**
DUPLEX: 2146 - 2148 SE 12th St.
PORTLAND, OR 97214
DATE: 7/23/2013



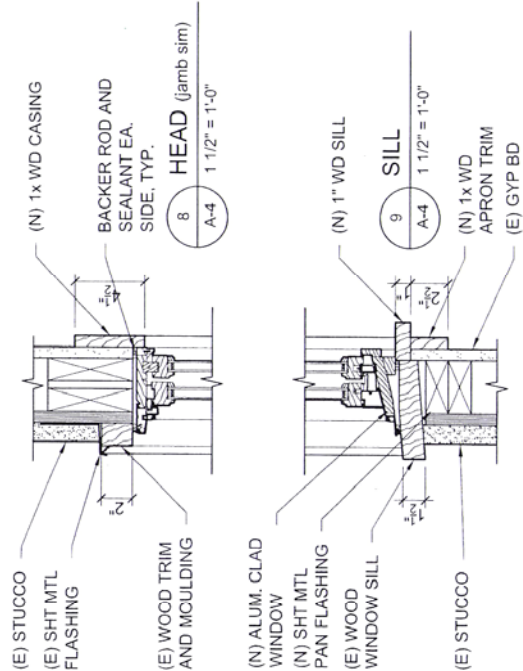
SINGLE HUNG WINDOW SECTION DETAILS



SINGLE HUNG WINDOW PLAN DETAILS



CASEMENT WINDOW SECTION DETAILS



SLIDER WINDOW SECTION DETAILS

Approved*
City of Portland - Bureau of Development Services
Planner *[Signature]*
Date 8.19.13
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply

WINDOW DETAILS

A-4

DUPLEX: 2146 - 2148 SE 12th St.
PORTLAND, OR 97214
DATE: 7/08/2013