



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: May 28, 2014
To: Interested Person
From: Mark Walhood, City Planner
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NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a **denied** 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. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-122929 HR – BASEMENT WINDOW

GENERAL INFORMATION

Applicant: Travis Weedman / Weedman Design Partners
2505 SE 11th Ave / Portland, OR 97202

Owners: Ryan and Shannon Buchanan
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.
Zoning: **R5** (Single-Dwelling Residential 5,000 base zone), **Ladd's Addition Historic District**

Case Type: **HR** (Historic Review)
Procedure: **Type I**, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal: The applicant has proposed to replace and enlarge a single street-facing basement window on the north/Holly Street-facing side of the home at 1609 SE 16th Avenue. The existing basement window on the north façade just east of the brick chimney would be removed and replaced with a new metal clad wood casement window (Marvin Clad Ultimate Casement) measuring 2'-2" wide by 3'-8" tall. The window would be surrounded by 0'-4¼"-wide painted wood trim. The new window would be surrounded by a new 0'-6"-wide concrete window well wall, located 3'-0" out from the building wall, and with a 2'-0" deep well a minimum of 3'-6" wide around the enlarged window opening. Alterations to basement windows on a street-facing wall in Historic Districts requires Historic Review (33.445.320.A.1). Because the alteration affects less than 150 square feet of the façade in an R5 zone, the request is handled through the Type I procedure (33.846.060.B.4).

Relevant Approval Criteria: In order to be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code. The relevant approval criteria are the *Ladd's Addition Conservation District Guidelines*.

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 16th Avenue and Holly Street. The site is developed with an existing two-story home with dormers, originally constructed in 1911. The house is oriented to the north portion of the lot, with entry porch and driveway facing SE 16th Avenue to the east, and features a large south side yard between the home and the alley. An original contributing garage from 1925 was damaged in recent years, and only the roof of the structure remained on the site in 2012 at the time of the last land use review. The contributing garage structure no longer appears to be at the site.

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) base zone is intended to preserve land for housing, and to provide housing opportunities for individual households. The development standards of the R5 zone seek to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The Ladd's Addition Historic District designation triggers a Historic Design Review process for most exterior alterations within the district. Historic preservation beautifies the city, enhances the city's economic health, and protects significant elements of the city's and region's heritage.

Land Use History: City records indicate one prior and one pending land use review at the site:

- *LU 12-140629 HDZ* – approved Historic Design Review for exterior alterations to the house, including window replacement, window and door alterations, a large new deck and guardrail system, and changes to parking areas and walkways; and
- *LU 14-138918 HR* – pending Historic Review for a new two-story detached accessory structure in the approximate location where an original contributing detached garage was supposed to be constructed per the 2012 Historic Design Review at the site. This application was incomplete at the time this decision was rendered.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **April 29, 2014**. As the proposal involves only exterior alterations to a single-family home without increasing the building footprint or impervious surface area, and because no changes are proposed to stormwater management facilities or exterior site improvements, city agencies are not asked to comment on the proposal during the land use review process.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 29, 2014**. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Reviews

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

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

Findings: The site is located within the Ladd's Addition Historic District and the proposal is for a non-exempt treatment 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

1. Façades Oriented to a Street. In rehabilitating existing buildings, the architectural integrity of street-oriented façades should be maintained. Additions and structural alterations should be limited to the rear and side yard façades and be minimally visible from the street.

Findings: The proposal is for a single new basement egress window on the north side street-facing façade oriented towards SE Holly Street. This façade is one of two street-facing facades on the home. The applicant argues that the new window is “minimally invasive and will match the windows on the rest of the house. Based on utility locations and deck, this is the only feasible location for a bedroom with legal egress in the lower level of the house” (Exhibit A.1).

The north street façade has a primary façade closest to the street, and a secondary street-facing façade somewhat further back from the street on the west/rear side of the home. The primary façade has a symmetrical composition with a central chimney with decorative stucco panel, and paired identical windows on each side of the chimney at both main floors and at the basement. The existing basement windows are of the same size, measuring approximately 2'-6" wide by 1'-6" tall. The easterly of these two windows would be removed along with adjacent portions of the wall to create a new window opening measuring 2'-2" wide by 3'-8" tall. New below-grade excavations are necessary for the installation of the new basement window, resulting in new concrete retaining walls which would be visible adjacent to the new window and from the street.

The proposal does not maintain the integrity of the existing street-facing façade by altering the size and scale of historic window openings on the façade of this contributing structure. The symmetrical pattern of window openings is broken by the installation of the larger window with mismatched sash and trim details, disrupting the architectural integrity of the facade.

Basement egress windows on the two non-street facing facades are not an option because the applicant has installed a wrapping above-grade deck onto those two sides of the home, covering up the original basement foundation walls on those facades. Basement windows on the two non-street-facing facades could have been exempt from Historic Resource Review (33.445.320.B.4), but that is not an option unless the above-grade deck is reduced in size by the applicant. Foreclosing the use of non-street facades for new basement egress by installing raised decks or situating mechanical or utility rooms against other potential window opening locations in the basement does not justify installing them on a street-facing façade.

Therefore, this guideline is not met.

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 original windows for the basement on the north façade are in place. However, the most recent land use review at the site approved the replacement of all original windows due to deterioration of original material. The proposed new basement window is not compatible with the original window opening in terms of form, size and placement. The new window is of a size that requires excavation for a new window well with exposed concrete retaining walls on a street-facing façade. The new window does not match the original window, and is not compatible with the symmetrical façade composition on the north/Holly Street elevation. *Therefore, this guideline is not met.*

10. Front Lawn. On sites of non-commercial structures, retention of front lawns, mature trees, and older shrubs and perennials are encouraged. Plants popular in the 1910's and 1920's are encouraged. The predominant use of ground covers, such as bark mulch and broadleaf evergreens, is discouraged. Original grades should be retained; berms and excavations are discouraged

Findings: The applicant has proposed extensive landscaping on the side/front yard facing Holly, with the idea that new landscaping in this area can mitigate for the appearance and size of the new basement window and window well. Technically, installing landscaping materials does not require a building permit, and landscaping is not identified as a contributing feature of this home, and therefore the plants are exempt from Historic Review under current Zoning (33.445.320.B.2).

However, the proposed landscape materials are being presented as a way to screen the new window. Two new dogwood trees are placed in alignment with both basement windows, between the windows and the sidewalk. Clusters of low shrubs, herbaceous plants, ornamental grasses and ferns are proposed between the building and the street.

The proposed landscaping is not under review, but to the extent that landscaping is being proposed as a screen for the new window it should be noted that the use of shrubs and perennial plants instead of lawn in a street-adjacent yard area is not consistent with the intent of this guideline, which seeks a grassy front yard with retention of mature foundation plantings.

If the plantings required a building permit and were under consideration, they would not meet this guideline. However, the only portion of the proposal under review is the new window and window well on the home. *Therefore, this guideline does not apply.*

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

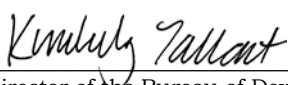
The applicant has proposed a new street-facing basement egress window and excavated concrete window well on a contributing home at SE 16th & Holly in Ladd's Addition. A review in the recent past approved a large deck on the south side of the home facing the alley, and an existing wrap-around deck was retained on the rear of the home. Internal reconfiguration of the basement rooms and uses has precluded installation of a new egress window on the west/rear façade, as well. For these reasons, the option to install basement egress windows on a non-street facing façade through an Historic Review exemption has been voluntarily precluded by the applicant in their remodeling plans. The proposed alternative location for an egress window on the Holly-facing street façade cannot meet the

relevant guidelines regarding street facades and windows. Therefore, the proposal must be denied.

ADMINISTRATIVE DECISION

Denial of a new street-facing basement egress window and concrete window well for the contributing home in Ladd's Addition Historic District at 1609 SE 16th Avenue.

Staff Planner: Mark Walhood

Decision rendered by:  **on May 22, 2014.**

By authority of the Director of the Bureau of Development Services

Decision mailed May 28, 2014

Procedural Information. The application for this land use review was submitted on March 4, 2014, and was determined to be complete on **April 23, 2014.**

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 March 4, 2014.

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 August 22, 2014.**

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. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further 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.

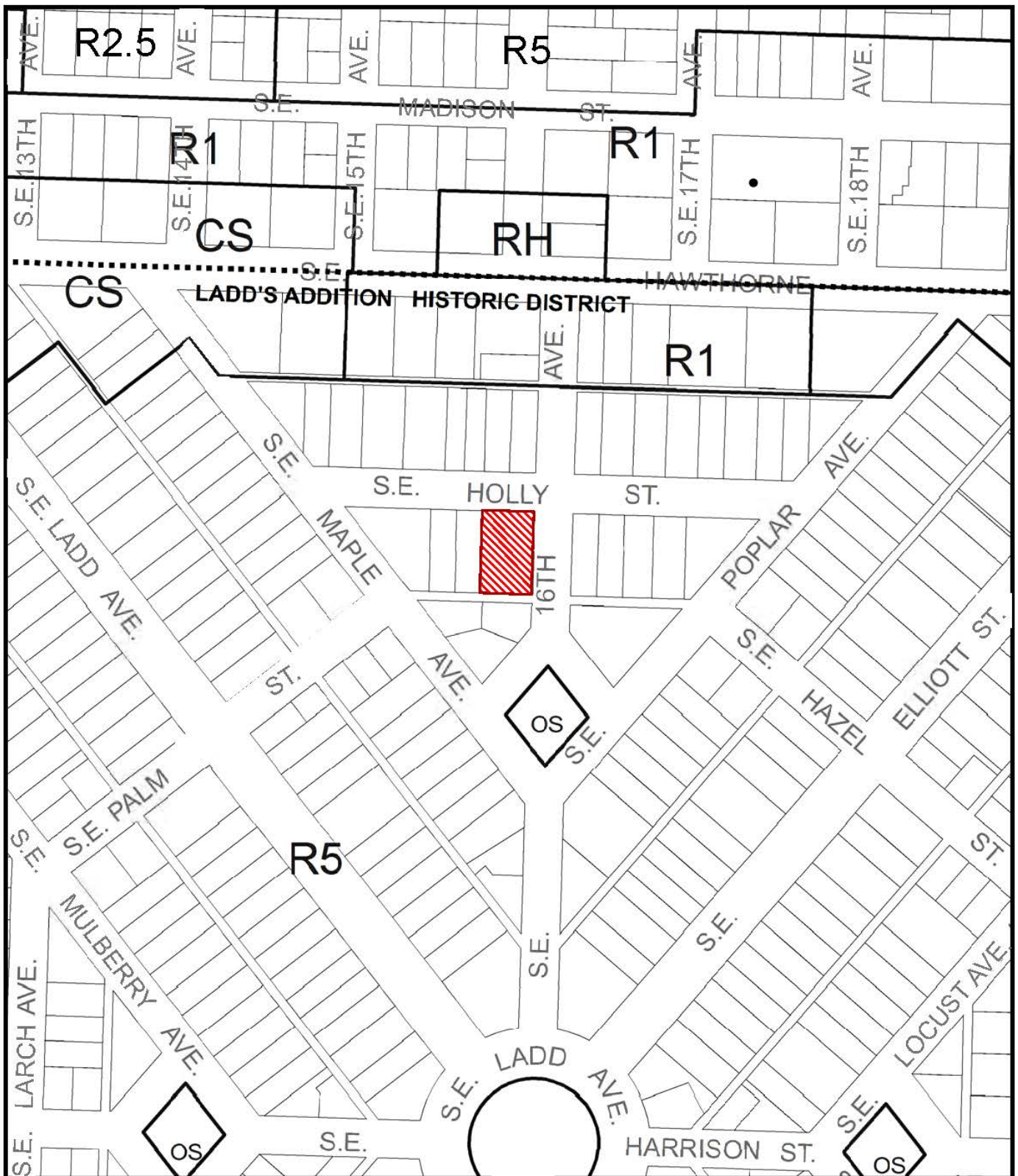
Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statements
 - 1. Original narrative statement addressing the approval criteria
 - 2. Outdated, incorrect basement floor plan (replaced with new sheets 3/11/14)
 - 3. Cover memo submitted with revised drawing sets, rec'd. 3/11/14
 - 4. Photos of site and two basement windows elsewhere in Ladd's Addition
 - 5. Interior elevation sheets from 3/11/14 plan set
- B. Zoning Map (**attached**)
- C. Plans/Drawings:
 - 1. Cover Sheet
 - 2. Abbreviations and General Notes
 - 3. Basement Floor Plan
 - 4. Basement electrical and reflected ceiling plan
 - 5. Enlarged Section Details
 - 6. Site Plan (**attached**)
 - 7. Enlarged Site Plan
 - 8. Exterior Elevation – North (**attached**)
 - 9. Exterior Elevation with Landscaping – North
 - 10. Exterior Elevation with Landscaping and Plant Names – North
 - 11. North Yard Planting Plan
 - 12. Marvin Window Cut Sheet – Clad Ultimate Window Section Details
 - 13. Large/Scalable Plan Set Matching C.1-C.11 above (11 pages total)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence: No neighborhood correspondence was received
- G. Other:
 - 1. Original LU Application Form and Receipt
 - 2. Incomplete Letter from staff to applicant, sent 3/19/14

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 14-122929 HR

1/4 Section 3232

Scale 1 inch = 200 feet

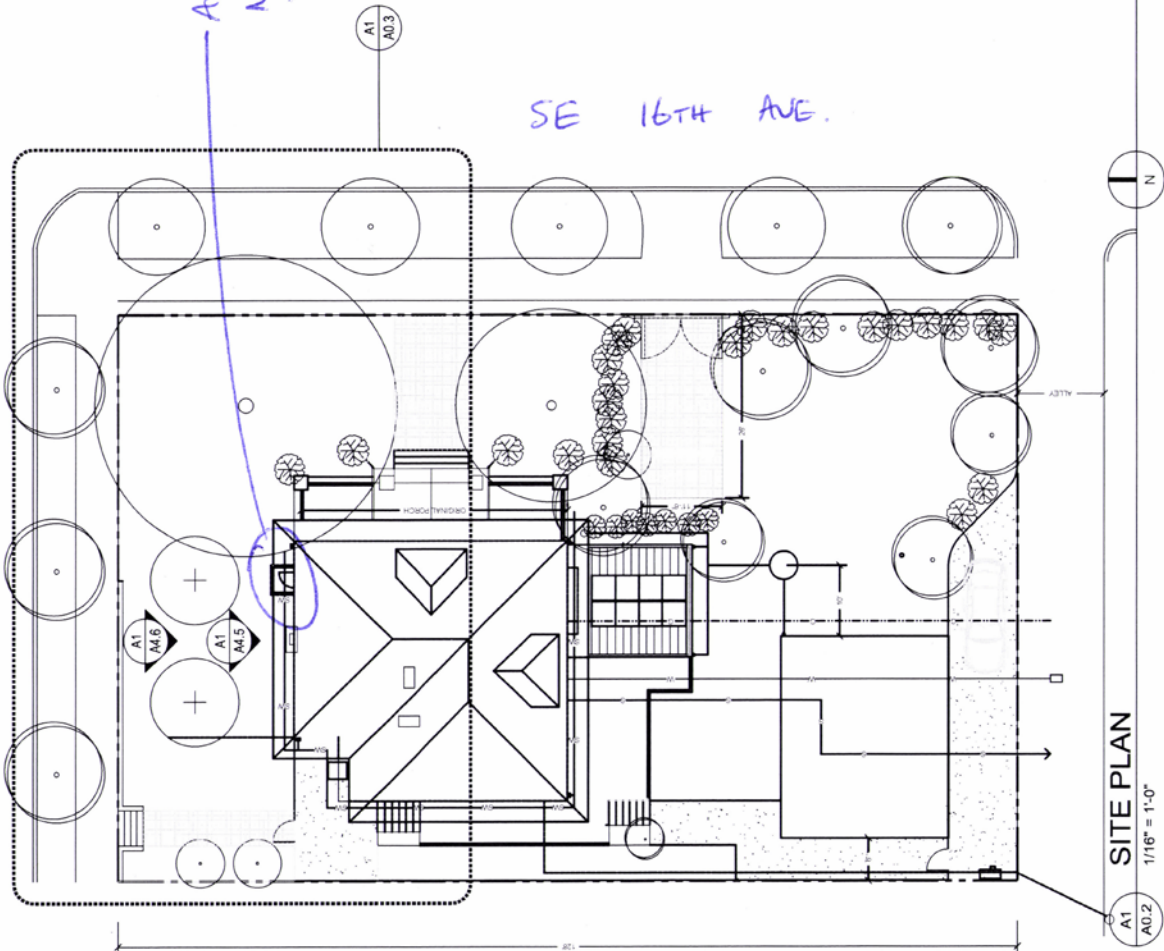
State_Id 1S1E02DB 13300

Exhibit B (Mar 06, 2014)

SE HOLLY ST.

AREA OF PROPOSAL:
NEW EGRESS WINDOW
+ WINDOW WELL

SE 16TH AVE.



SITE PLAN

1/16" = 1'-0"

N

WEEDMAN DESIGN PARTNERS

2505 SE 11th Avenue, Suite 258 Portland, OR 97202

THESE DRAWINGS ARE THE PROPERTY OF WEEDMAN DESIGN PARTNERS AND ARE TO BE REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN APPROVAL OF WEEDMAN DESIGN PARTNERS.

BUCHANAN BASEMENT

1609 SE 16TH ST.
PORTLAND, OR 97217

PERMIT
+ BID SET

REVISIONS

Δ 01/07/2013

Δ 01/14/2014

Δ 02/12/2014

Δ 02/19/2014

PM:

PA:

JOB NO:

DATE: 04/18/2014

A0.2

SITE PLAN

CASE NO. W 14-122929 H2
EXHIBIT C.6

THESE DRAWINGS ARE THE PROPERTY OF WEEDMAN DESIGN PARTNERS AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN APPROVAL OF WEEDMAN DESIGN PARTNERS

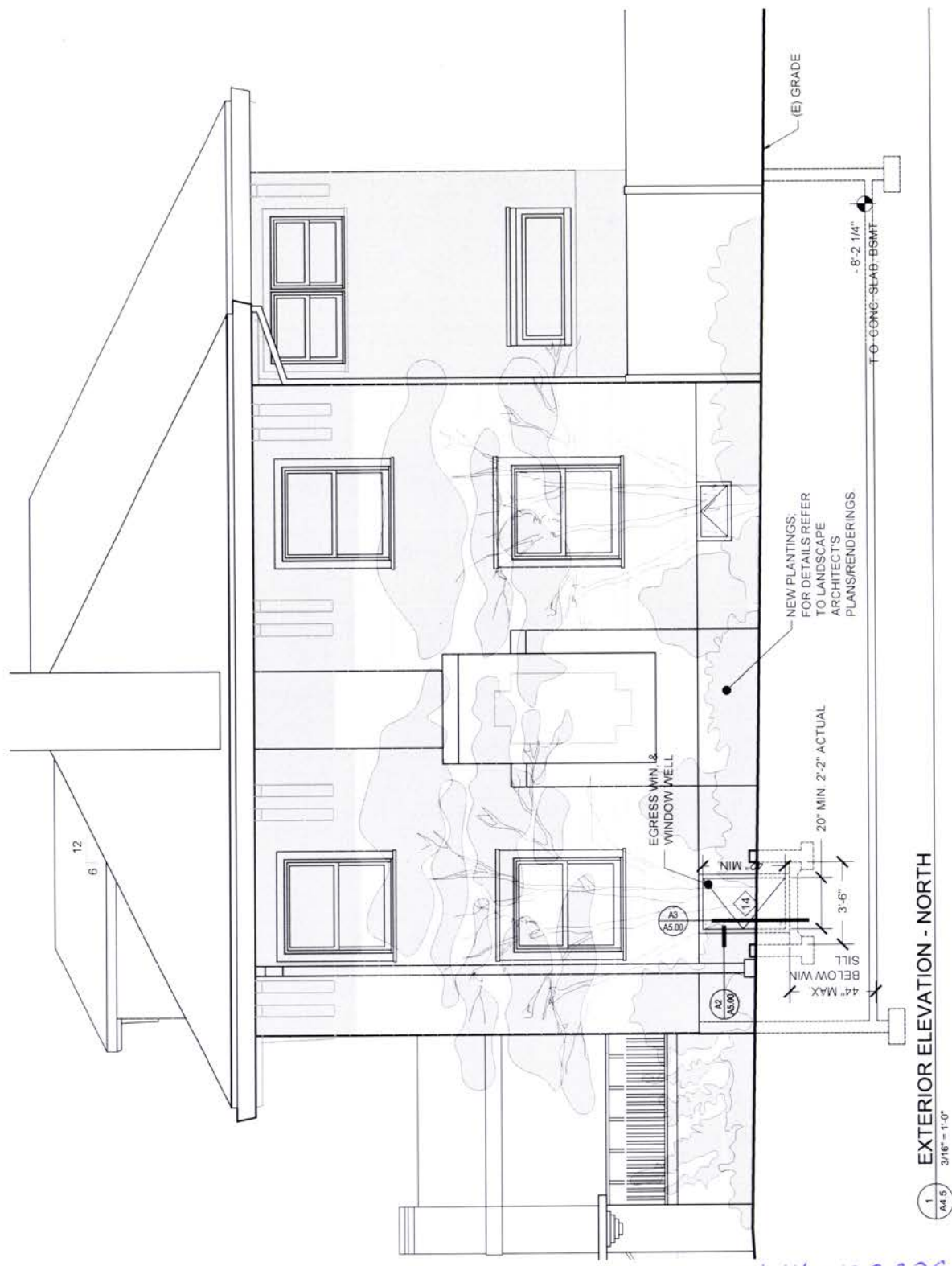
BUCHANAN BASEMENT

1609 SE 16TH ST
PORTLAND, OR 97217

PERMIT
+ BID SET

REVISIONS	
Δ	01/07/2014
Δ	01/14/2013
Δ	02/12/2014
Δ	02/19/2014
PM:	
PA:	
JOB NO:	
DATE:	04/18/2014

A4.5
EXTERIOR ELEVATIONS



1
A4.5
EXTERIOR ELEVATION - NORTH
3/16" = 1'-0"

CASE NO. W 14-122929 H2
EXHIBIT C.8