



## City of Portland, Oregon

### **Bureau of Development Services**

#### **Land Use Services**

FROM CONCEPT TO CONSTRUCTION

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

**Date:** April 7, 2015

**To:** Interested Person

**From:** Benjamin Nielsen, Land Use Services

503-823-7812 / Benjamin.Nielsen@portlandoregon.gov

# NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 15-119522 HR – GARAGE TO ADU CONVERSION & RENOVATION

#### **GENERAL INFORMATION**

Applicant/

**Representative:** Amy Griffith / Broken Box Designs LLC

1123 SE 34th Ave / Portland OR 97214

**Applicant/Owner:** Jerald Hayes

3920 NE 41st Ave / Portland OR 97212

Chad Comeault

2905 NE Schuyler St / Portland OR 97212

Site Address: 2327 SE ELLIOTT AVE

**Legal Description:** BLOCK 5 LOT 12, LADDS ADD

Tax Account No.: R463300930

**State ID No.:** 1S1E02CD 07100

**Quarter Section:** 3231

**Neighborhood:** Hosford-Abernethy, contact Joanne Stainbrook at 503-231-9245.

Business District: Division-Clinton Business Association, contact Darice Robinson at 503-

233-1888.

**District Coalition:** Southeast Uplift, contact Bob Kellett at 503-232-0010.

**Plan District:** None

**Other Designations:** Ladd's Addition Historic District

**Zoning:** R5 – Single-dwelling Residential 5,000

**Case Type:** HR – Historic Resource Review

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

Commission.

#### Proposal:

The applicant seeks Historic Resource Review in order to approve the proposed renovation and conversion of an existing two car garage, built in 1985, into a single-car garage and accessory

dwelling unit (ADU). The existing garage is a non-contributing, compatible/non-historic structure in the district.

The proposed design will maintain the same building footprint and roof line and reduce the existing eighteen foot wide garage door down to an eight foot wide garage door. Two new double-hung wood windows would be installed in the remaining space, facing the alley. A freestanding planter box is proposed in front of the windows. An additional double-hung wood window will be installed on the rear (southeast) elevation, facing the main house. A new wood door is proposed on the side (northeast) elevation, which will be sheltered by a small new gable roof. The existing solar panel array will remain on the garage, as will an existing door and double-hung window on the rear elevation.

Historic Resource Review is required for this proposal because the property lies within the Ladd's Addition Historic District.

#### Relevant Approval Criteria:

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

■ 33.846 Historic Reviews

 Ladd's Addition Conservation District Guidelines

#### **ANALYSIS**

**Site and Vicinity:** The subject property contains a secondary contributing house, built in 1926, and a compatible, non-historic two-car garage off the rear alley, built in 1985. The rectangular one-and-one-half story bungalow has a composition shingle gable roof with projecting, bracketed eaves and exposed rafters. The porch has a one-and-one-half story, front-facing gable roof with projecting eaves and exposed rafters, as well. The windows are one-over-one double-hung wood sashes with rectilinear lights in the upper sash. The front elevation has a fixed wood sash window with multiple lights in the upper sash, flanked by two narrow double-hung sidelights. The building is sided with weatherboard siding and has a concrete foundation and basement.

The two-car garage has a gable roof and weatherboard siding. It is wider than a typical two-car garage, with additional storage and work area provided on the northeastern side of the garage. The garage's footprint is larger than most other older garages and out-buildings on the alleys in the district, though the nomination form calls it "compatible in scale and massing with other buildings on the alley." Three large solar panel arrays sit on top of the gable roof: two on the alley side and another on the backyard side.

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 Street at the district's northern edge, SE 12<sup>th</sup> Street at the district's western edge, and SE Division Street at the south edge. These were the streets that were originally designed to accommodate the streetcar lines.

**Zoning:** The <u>Residential 5,000</u> (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The <u>Historic Resource Protection</u> overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

<u>Ladd's Addition</u> 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 lined 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 there are no prior land use reviews for this site.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **March 4, 2015**. The following Bureaus have responded with no issues, concerns, or comments:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Site Development Section of BDS

The Water Bureau responded with comments addressing options for water and sewer service to the accessory dwelling unit: Please see Exhibit E-1 for additional details.

The Fire Bureau responded with comments about address signage. Please see Exhibit E-2 for additional details.

The Bureau of Development Services – Life Safety Division responded with general life safety comments, including a comment regarding lateral design requirements. Please see Exhibit E-3 for additional details.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 4, 2015. Two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- 1. Simon Harding, 2276 SE Spruce Ave, March 9, 2015. Mr. Harding expressed concerns about negative impacts from additional traffic and parking and concerns about the conversion of the garage into an accessory dwelling unit which he worried could be used as an accessory short-term rental with Airbnb (or similar company). He also expressed additional concerns about the owners being absentee owners rather than residents.
  - Staff responded to Mr. Harding by highlighting the applicable zoning code chapters for accessory dwelling units and accessory short-term rentals. Staff also informed Mr. Harding of the method to report potential code violations. Additionally, staff forwarded the comments to the applicant and owners.
- 2. Joanne Stainbrook, on behalf of the Historic Resources Subcommittee of the Hosford Abernethy Neighborhood District, March 25, 2015. The committee, via Ms. Stainbrook, had no objections to the design as proposed, but requested that the existing solar panels be adjusted to lie flat on the roof and requested that the existing house and garage be repainted with colors that are more compatible with

the Ladd's Addition Guidelines.

Staff forwarded the comments and recommendations to the applicant and the owners.

3. An additional telephone call was received from nearby resident Jerry Conedera voicing similar concerns as Mr. Harding. No written comments were submitted, however. Mr. Conedera also contacted the applicant by telephone.

#### **ZONING CODE APPROVAL CRITERIA**

#### <u>Chapter 33.846.060 - Historic Resource Review</u>

#### **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.

#### <u>Ladd's Addition Conservation District Guidelines - Exterior Rehabilitation</u>

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 entire scope of the proposal will occur on the existing garage behind the main house, and that work will be oriented to the property's backyard and the alley. No work is proposed on the street-facing façade of the house, and no work will be visible from the street.

Therefore, this guideline is met.

**3. Exterior Siding Material.** Restoration and maintenance of original siding materials is encouraged. Materials used on additions should match or be compatible with the predominant materials used on the original structure. Most single family residences and duplexes in Ladd's Addition feature stucco, horizontal wood siding, wood shingles, brick or a combination of these materials. Most commercial and multi-family structures feature stucco or brick. The following materials are discouraged: plywood, used brick, shakes, exposed concrete block and metal.

**Findings:** The existing siding on the garage will remain in place. Portions of the wall will be in-filled as part of the proposal, and those portions will be sided with new 1x6 wood lap (weatherboard) siding to match the existing siding.

Therefore, this guideline is met.

- **4. Roof Form.** Repair and alteration of roofs should retain:
  - **a.** The original roof shape and pitch;

- **b.** Original structural and decorative features such as gables , dormers, chimneys, cornices, parapets, pediments, frieze boards , exposed rafters and other ornamental details; and,
- **c.** Whenever possible the original type, size, color, and pattern of roofing materials. New roof features including roof additions and new dormers should be compatible in size, scale, materials, and color with the original building. Skylights, solar, mechanical and service equipment, and new roof features should be inconspicuous from the street.

**Findings:** The proposal retains the existing gable roof on the garage, retains the existing projecting eaves with exposed rafters, and retains the existing composition shingles. A new, small gable roof is proposed at the new accessory dwelling unit entry on the northeast elevation of the existing structure. This is accomplished by extending an additional rafter beam down off the existing gable roof. It will project out 10 inches to align with the existing eave overhang and will be covered with composition shingles to match the existing roof. A new bargeboard will provide fascia to match the existing roof. Two new wood brackets, designed to match those on the existing house, will be positioned underneath the eaves at either end of the new small gable roof. This new, small gable roof will not be visible from the street.

The proposal will also have some minor roof penetrations for laundry, range, and plumbing venting. The hood vents will be painted or pre-finished to match the color of the roof. None will be visible from the street.

The existing solar panels and solar-powered exhaust vent will remain in place.

Therefore, this guideline is 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:** One existing window and door on the garage, both on the southeast elevation (facing the house) will remain. One new, larger, double-hung wood sash window will replace another existing wood double-hung window on the same elevation. A new wood door with half-lite and a single panel below will be placed near the alley side of the northeast elevation. A new pair of double-hung wood sash windows will be placed on the northwest elevation (facing the alley). Below this window will sit a freestanding window box planter. No new penetrations are proposed on the southwest elevation. All new windows and the new door will be trimmed with wood to match the wood trim around windows on the main house.

A new, smaller, steel paneled garage door will replace the existing double wood-paneled garage door. The trim around this new door will match the existing trim.

Therefore, this quideline is met.

**12. Parking.** Required on-site parking should be located in the rear yard and within original garages, if possible. Original garages should be maintained for vehicle storage and parking and not converted to other uses. Parking areas, providing space for three or more cars, should be

screened from adjacent properties; hedges and canopy trees are recommended for screening. Parking areas and driveways should not be placed in the front yard.

**Findings:** A minimum of one parking space, at a minimum of 9-feet by 18-feet, is required for single-dwelling residences *Section 33.26.120* of the zoning code. The proposed design, while converting a portion of the existing garage into an accessory dwelling unit, still retains one parking space within the existing garage structure.

Therefore, this guideline is 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 proposed design will place the entry to the accessory dwelling unit close to the alley-side of the structure. Though there is an existing low picket fence adjacent, the door should still have good visibility from the alley and out into it from inside.

A new exterior light will be placed adjacent to the unit entry door. An additional exterior light will be placed on the alley-facing façade between the new window and the new garage door to provide for additional lighting on the driveway and into the alley. The largest window area in the new unit will also open onto the alley and will help provide additional "eyes on the alley".

Therefore, 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 proposed conversion of the existing two car garage on the alley at 2327 SE Elliot Avenue into a new accessory dwelling unit and one car garage retains the existing structure and adds new wood windows designed to match the existing house; a new, smaller steel garage door; a new wood door designed to match the existing house; and a new small gable roof connected to the larger gable and matching it in detail. While some neighbors have expressed concerns about increasing density, additional traffic, and possible use of the proposed accessory dwelling unit as an accessory short-term rental, the proposed design meets the applicable review criteria in the Ladd's Addition Conservation District Guidelines.

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 the conversion of the existing garage to an accessory dwelling unit and single-car garage in the Ladd's Addition Historic District, with:

- New wood windows and trim on the northwest and southeast elevations;
- A new wood half-lite, single-panel door and trim on the northeast elevation;
- A new, small gable roof over the new wood door on the northeast elevation;

- A new steel panel garage door on the northwest elevation;
- Two new exterior lights, one each on the northwest and northeast elevation;
- New roof vents colored or painted to match the existing roof;
- New wood siding to match the existing siding where needed for patching and at the northwest elevation;
- A new, freestanding window box at the northwest elevation; and,

Per the approved site plans, Exhibits C-1 through C-8, signed and dated 04/01/2015.

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-8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-119522 HR. No field changes allowed."

Staff Planner: Benjamin Nielsen

by: Bourses No. on A By authority of the Director of the Bureau of Development Services Decision rendered by:

Decision mailed: April 7, 2015

**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 February 13, 2015, and was determined to be complete on **March 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 February 13, 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: June 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 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 April 21, 2015** at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> floor. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

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

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

#### Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- Unless appealed, The final decision may be recorded on or after April 22, 2015 (the day following the last day to appeal).
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

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

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

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

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

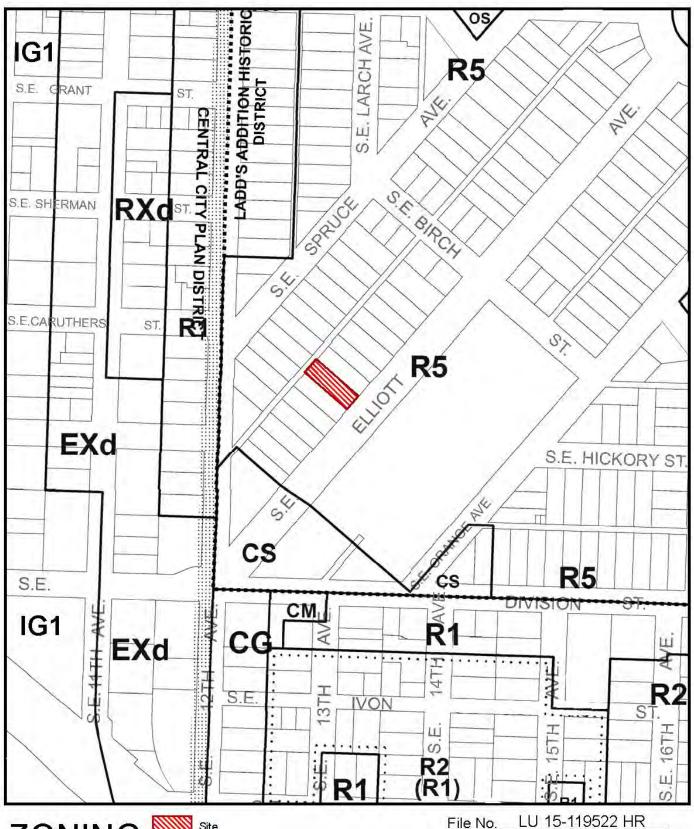
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

#### NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan and Existing Residence Front Elevation (attached)
  - 2. Existing Garage Elevations, Section, and Plan
  - 3. Proposed Accessory Dwelling Unit Plan (attached)
  - 4. Proposed Southeast and Northwest Elevations (attached)
  - 5. Proposed Northeast and Southwest Elevations (attached)
  - 6. Vertical Wood Window Section
  - 7. Horizontal Wood Window Section
  - 8. Wood Door Cutsheet
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Water Bureau
  - 2. Fire Bureau
  - 3. Bureau of Development Services Life Safety Division
- F. Correspondence:
  - 1. Simon Harding, March 9, 2015, concerns about density, parking, and accessory short-term rentals.
  - 2. Joanne Stainbrook on behalf of the Historic Resources Subcommittee of the Hosford Abernethy Neighborhood District, March 25, 2015, no objections but requested that the owner lay existing solar panels on roof and repaint house and garage in appropriate colors.
- 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



File No. 3231 1/4 Section

1 inch = 200 feet Scale

1S1E02CD 7100 State Id

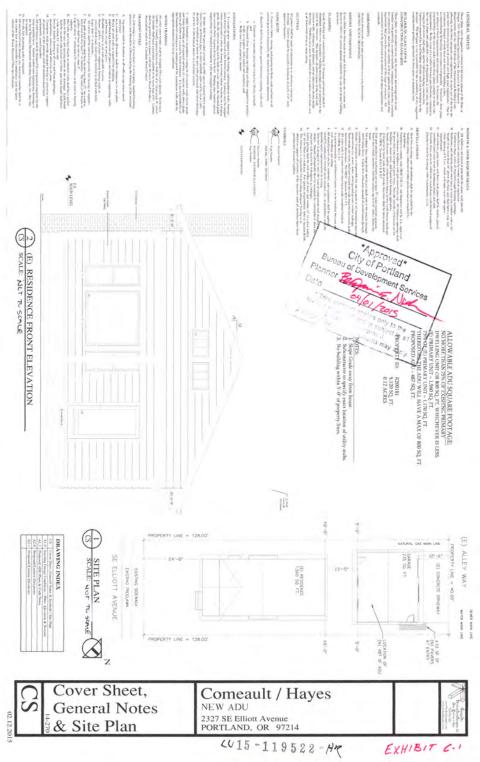
(Feb 18,2015)

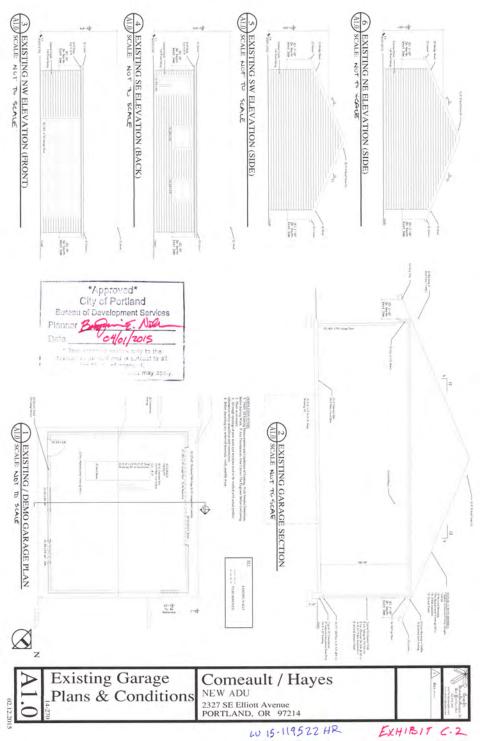
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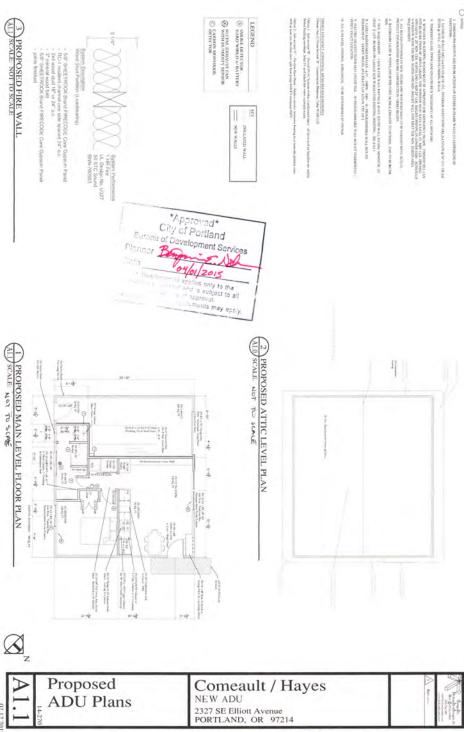
Exhibit.

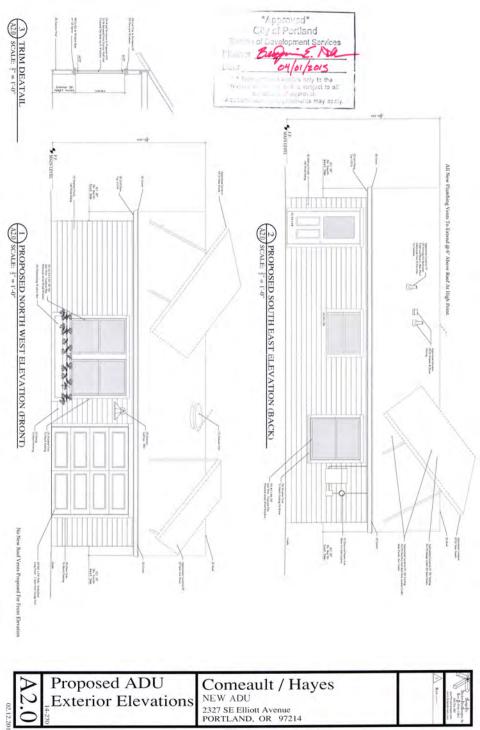


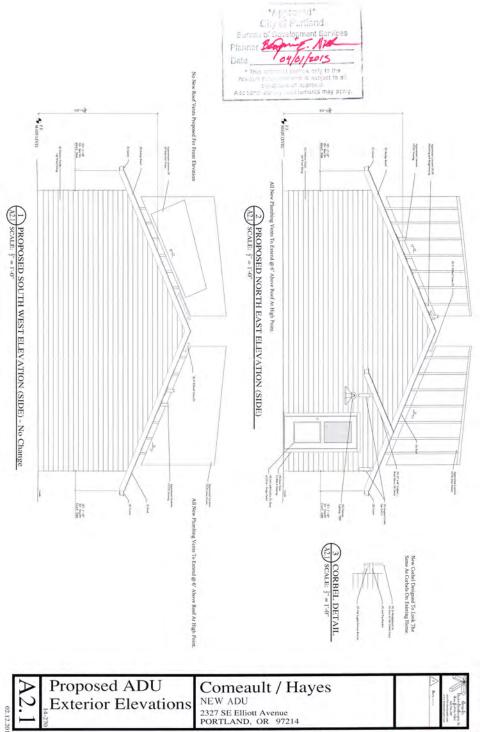
This site lies within the: LADD'S ADDITION HISTORIC DISTRICT

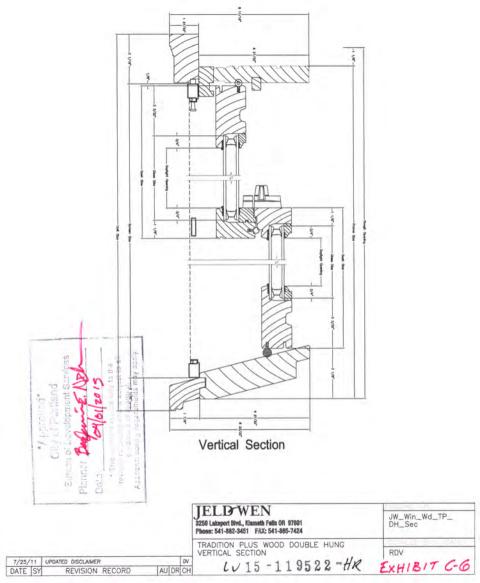




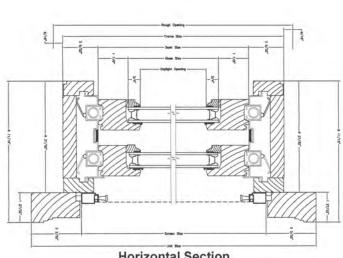


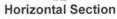














Phone: 541-882-3451 FAX: 541-885-7424 TRADITION PLUS WOOD DOUBLE HUNG HORIZONTAL SECTION

LU 15-119522 HR

RDV 12/16/10 EXHIBIT C-7

JW\_Win\_Wd\_TP\_ DH\_Sec

7/25/11 UPDATED DISCLAIMER AU DR CH REVISION RECORD

(M) DOOR AT ENTEN