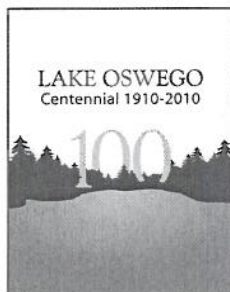


## MEMORANDUM



**TO:** Development Review Commission (DRC)  
**FROM:** Debra Andreades, Senior Planner  
**DATE:** April 13, 2011  
**SUBJECT:** LU 12-0005

At the March 19, 2012, hearing on LU 12-0005, the following exhibits were submitted:

Exhibit G-203 Letter from Marylou Colver  
Exhibit G-204 Letter from Erin O'Rourke Meadors

A request was made to leave the record open for further testimony and the DRC continued the hearing to April 16, 2012. Staff has received the following written testimony as of the date of this Memorandum:

Exhibit G-102 Letter from Cynthia Ferrier  
Exhibit G-103 Memorandum from City of Lake Oswego Historic Resources Advisory Board (HRAB)  
Exhibit G-104 Letter from Vanessa Sturgeon  
Exhibit G-205 Letter from Erin O'Rourke Meadors

Following is staff's additional analysis of the request with regard to the testimony provided.

The applicant proposes to construct an addition to the existing dwelling, which is an historic landmark (the Black House), designed by Richard Sundeleaf. Some of the testimony as well as the letter from the State Historic Preservation Office (SHPO; Exhibit G-200) centered on a concern that the proposed addition would detract from the historic integrity of the house. In addition, there is a concern that if the addition was approved, the house could be removed from its listing on the National Register of Historic Places, based on National Register standards that require the new addition to be differentiated from the original yet also be compatible. Finally, there is a concern that the addition, if undertaken, would be done so in a manner that, if removed in the future, the essential form of the original dwelling would be destroyed.

### National Register of Historic Places

Subsequent to the hearing, Commissioner Needham contacted staff for clarification regarding the local, state and federal rules for historic properties, noting that at the hearing it was mentioned that only two structures in the City are on the National Register. Upon researching this issue, staff found that there are actually 13 structures in the City that are on the National Register. Two of them have been on the list since the 1970's, two since the 1980's, and nine since the 1990's. The Black House has been on the National Register since 1991.

Commissioner Needham also sought clarification on what is required for a structure to be on the National Register and what is required for it to remain on the list. *Staff reiterates that the criteria before the Commission are the Lake Oswego Code provisions, not the requirements for listing (or delisting) of properties under the federal National Register of Historic Places program.*

However, in response to the Commissioner's inquiry, the following information about the National Register program is provided regarding one of the grounds for removing a property from the National Register:

“ (1) The property has ceased to meet the criteria for listing in the National Register because the qualities which caused it to be originally listed have been lost or destroyed, or such qualities were lost subsequent to nomination and prior to listing;”

National Register Federal Program Regulations, Sec. 60.15 “Removing Properties from the National Register”

There are no listed criteria for how to determine whether the qualities that caused the structure to be listed have been destroyed. The National Register program is administered at the state level by SHPO; the regulation of National Register-listed properties in Oregon takes place at the local level.” SHPO, Heritage Bulletin, Nov. 2007, pg. 1. As stated in Exhibit G-200, SHPO applies the Secretary of the Interior’s Standards for Rehabilitation:

“New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”

The Heritage Bulletin also states that there are “no restrictions imposed by the state or federal government. Local jurisdictions regulate National Register listed properties per their local ordinances”. SHPO, Heritage Bulletin, Nov. 2007, pg. 2. The City’s Historic Preservation Chapter does not require that a National Register-listed property remain National Register-listed property following a “major alteration.”

#### **City of Lake Oswego Historic Preservation [LOC Chapter 58]:**

Staff made previous findings that the criteria for a major alteration in LOC 58.02.135(3) had been met. Staff found that the architectural significance would not be diminished by the proposed addition. Certain considerations are used as a guide to determine this:

*d. The effect of requested changes related to the original exterior design, arrangement, proportion, detail, scale, texture, and/or materials; including the following:*

*(2) Time Period Consistency: Structures shall be recognized as products of their own time. Alterations that have no historical basis or which seek to create an earlier appearance shall be avoided.*

Staff Response (in part): ...the proposed addition will match the roof form and pitch, as well as the materials of the existing structure, creating an historically accurate appearance. The applicant states (Exhibit F-1) that not all of the decorative details are reproduced on the addition in order to highlight some of the more special features of the original house. This results in an addition that corresponds to the original structure without creating a modern imitation of an earlier appearance.

*(6) Horizontal Additions: The scale and proportion of building additions, including the relationship of windows to walls, shall be visually compatible with the traditional architectural character of the historic building. Contemporary construction for alterations and additions are acceptable if the design respects the building's original design and is compatible with the original scale, materials, window and door opening proportions of, the structure.*

Staff response: The scale and proportion of the proposed addition is consistent with the existing structure with regard to the size of the windows, dormers and the steeply pitched roof forms. The windows in the new addition are multi-paned and have wide exterior trim like those on the existing house (Exhibits E-4 through E-6). The windows are



similarly located just below the eave line, particularly in evidence on the north elevation (Exhibit E-6).

- (8) *Restoration Possible: Except where Building Code precludes it, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure could be restored.*

Staff Response: The proposed addition is limited to the east side of the structure and has been visually connected seamlessly to the existing roof line (Exhibits E-4 and E-6). Therefore, the addition could potentially be removed in the future without impacting the essential form or integrity of the original structure.

The last guideline is very similar to the SHPO guideline:

SHPO guideline: "If removed....the essential form and integrity of the property would be unimpaired"

LOC guideline: "Can be removed .....without impacting the essential form and integrity of the original structure".

The City's regulations and SHPO goals are very similar in this one aspect. In reviewing a proposed major alteration, the Commission must determine whether

*"The scale and proportion of building additions, including the relationship of windows to walls, shall be visually compatible with the traditional architectural character of the historic building".*

LOC 57.02.135(5)(d)(6).

The applicant has had discussions with the City's Historic Resources Advisory Board (HRAB) throughout the process, modified the design to reduce the scale based on their comments and received support from them (Exhibit G-103). HRAB states that the addition is subordinate to the original house and sensitive to Sundeleaf's original design and therefore the addition is compatible in scale and retains the historical value of the house. In Exhibit F-1, the applicant's architect addressed the feasibility of removing the addition, per guideline (8). Staff concurs with HRAB's conclusion and the Applicant's Narrative regarding guideline (8) and finds that the criterion for a major alteration has been met because the addition does not diminish the architectural significance of the landmark.

## CONCLUSION

Staff concludes that the proposed addition meets the City criteria for a major alteration to an Historic Landmark and reiterates its recommendation to approve LU 12-0005 subject to the conditions in the Staff Report, dated March 9, 2012.