



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

1900 SW 4th Avenue, Suite 5000 Portland, Oregon 97201 503-823-7300 Fax 503-823-5630 TTY 503-823-6868 www.portlandonline.com/bds

(503-823-0660)

Date: May 18, 2009

To: Interested Person

From: Dave Skilton, Land Use Services

dave.skilton@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 09-115028 HDZ – EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Alan Dichter, Owner

325 North End Avenue, Suite 24a

New York, NY 10282

Vivian Orlen, Owner 2222 NE Stanton Street Portland, OR 97212-3437

Kerry Camp, Contractor RJR Construction Inc

PO Box 1347

Gresham, OR 97030

Representative: Eli Haworth, Designer (503-284-8944)

Ano Design Consultants 2440 NE Mlk Blvd, Suite 201

Portland, OR 97212

Site Address: 2222 NE Stanton Street

Legal Description: BLOCK 11 LOT 1, IRVINGTON

Tax Account No.: R420402160 **State ID No.:** 1N1E26AD 13300

Quarter Section: 2732

Neighborhood: Alameda, contact Kenneth Bailey at 503-287-1685. Irvington, contact

Dean Gisvold at 503-284-3885.

Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321. **District Coalition:** Northeast Coalition of Neighborhoods, contact Lauren McCartney at

503-823-4135.

Other Designations: Non-contributing resource, Irvington Conservation District

Zoning: R5, Residential 5000

Case Type: HDZ, Historic Design Review

Procedure: Type II, an administrative decision with appeal to the Historic

Landmarks Commission.

Proposal:

The applicant is seeking Historic Design Review approval for a proposal to alter a non-contributing resource in the Irvington Conservation District. The alterations include:

- closure of an existing main entry
- reconfiguration of an existing secondary entry, including new steps and planters
- enlarging an existing picture window into two wooden sliding doors with sidelights
- replacement of variegated Roman brick veneer and wood siding with clear finished cedar siding
- replacement of variegated Roman brick veneer and wood siding with stucco
- a skylight on a street-facing roof slope
- a landscape screen wall/planter
- significant landscape plantings

Historic Design Review is required because the proposal is for exterior alterations within the Irvington Conservation District.

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:

■ 33.846.060 Historic Design Review

Community Design Guidelines

ANALYSIS

Site and Vicinity: The subject house is considered historically non-contributing by virtue of its construction date, 1953, falling outside the period of significance of the Irvington Conservation District. It is a single story structure, on a corner lot, with an attached garage, in the Ranch Style. The walls are clad in combination of horizontal wood siding and veneer Variegated Roman brick, and the low-pitched hip roof features deep soffited eaves. The existing windows are vinyl-framed replacements of an unknown age. Although the house differs from those typical in the area, especially in its low-slung massing, it does also share some aspects of the neighborhood's character. It has a prominent street-facing entry, large windows in the more public rooms, and a design scheme that addresses the corner location by providing consistent visual interest on both street facades.

The Irvington area was developed intensely with substantial middle class housing during the first two decades of the Twentieth Century. This fact lends the neighborhood the homogeneous historic character that justifies its recognition as a Conservation District. A historic district nomination to the National Register of Historic Places is currently being undertaken by the Irvington Community Association. NE Stanton Street and NE 23rd Avenue are designated as Local Service Bikeways and Local Service Pedestrianways.

Zoning: The single-dwelling zones, including the R5 zone, are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

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.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **April 21, 2009**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Life Safety Review Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 21, 2009**. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- On April 23, 2009, Gail and Ron Jeidy, notified neighbors, wrote in general support of the proposal, but requested a shingled rather than standing seam texture for the roof. The applicant responded with a proposal to use a metal shingle product in the same dark brown color as the originally proposed standing seam option.
- On May 12, 2009, Dean Giswold, Co-Chair of the Irvington Community Association, Land Use Committee, wrote on behalf of the Committee with their recommendation of approval. The recommendation was based on an appearance by the applicant before the Committee in which the metal shingle rather than standing seam roofing option was presented.

ZONING CODE APPROVAL CRITERIA

Chapter 33.825 Design Review Section 33.825.010 Purpose of Design Review

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

Section 33.825.055 Design Review Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

Findings: The site is designated with design overlay zoning (d), therefore the proposal requires Design Review approval. Because of the site's location, the applicable design guidelines are the Community Design Guidelines.

Community Design Guidelines

The Community Design Guidelines consist of a set of guidelines for design and historic design cases in community planning areas outside of the Central City. These guidelines address the unique and special characteristics of the community plan area and the historic and conservation districts. The Community Design Guidelines focus on three general categories: **(P) Portland Personality,** which establishes Portland's urban design framework; **(E) Pedestrian Emphasis,** which states that Portland is a city for people as well as cars and other movement

systems; and **(D) Project Design,** which assures that each development is sensitive to both Portland's urban design framework and the users of the city.

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

P2. Historic and Conservation Districts. Enhance the identity of historic and conservation districts by incorporating site and building design features that reinforce the area's historic significance. Near historic and conservation districts, use such features to reinforce and complement the historic areas.

Findings: The non-contributing status of the subject property within the Irvington Conservation District derives from its age, not because it lacks characteristics that help it to fit into the historic milieu. The proposal retains those characteristics or alters them in appropriate ways. For example, while the existing main entrance is eliminated, an existing secondary entrance also on the main face of the building is redeveloped with sufficient focus and detailing to retain a sense of primary entry. Replacement of the existing inappropriate white vinyl windows with dark, metal-clad wood windows returns a sense of repose to the facades that the bright frames currently disrupts. Existing wide horizontal wood siding and Variegated Roman brick veneer will be replaced by a combination of narrower wood siding and stucco, which, while creating a clearly modern appearance, will help the house to fit in better with its older neighbors. *This guideline is therefore met.*

D2. Main Entrances. Make the main entrances to houses and buildings prominent, interesting, pedestrian accessible, and transit-oriented.

Findings: The existing main entrance to the house is somewhat understated, marked in the façade by a recess, a change in cladding material, and a slight jog in the eave line. The door itself does not face the street. The proposal is to eliminate this entrance and redevelop an existing secondary entrance in its place. The new entry door will be glazed, will face the street, and will be given focus by the introduction of a large concrete porch, broad stairs, and landscaping that create a clear entry sequence. *This quideline is therefore met.*

D3. Landscape Features. Enhance site and building design through appropriate placement, scale, and variety of landscape features.

Findings: The two street-facing yards on the site are currently planted to sloping lawn with a few hedge-clipped evergreen foundation plantings. The proposal improves this nondescript condition by introducing a generous concrete entry stair and porch, as well as a small screened terrace accessed from the living room via a pair of sliding wooden doors with sidelights that will replace an existing picture window. Generous plantings are also proposed which will help the property fit in better within its heavily planted context. *This guideline is therefore met*.

- **D6. Architectural Integrity.** Respect the original character of buildings when making modifications that affect the exterior. Make additions compatible in scale, color, details, material proportion, and character with the existing building.
- **D8. Interest, Quality, and Composition.** All parts of a building should be interesting to view, of long lasting quality, and designed to form a cohesive composition.

Findings for D6 and D8: The subject building's massing and its typical street orientation are supportive of the historic character of the Irvington Conservation District, and these qualities are retained in the proposal. The palette of finish materials – wide horizontal clapboard siding, Variegated Roman brick, and vinyl windows – is

atypical of the neighborhood and their replacement with higher quality materials – a narrower wood lap siding, true stucco, and metal-clad wood windows – will help the house to blend into its surroundings while retaining its essential original form. *These guidelines are 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

This modest proposal will update a non-contributing 1953 Ranch Style house in the Irvington Conservation District to a modern but compatible character by making entry alterations, replacing materials, introducing new elements, and providing new permanent landscape plantings. The Land Use Committee of the Irvington Community Association reviewed the submission with the applicant in person and recommended approval. On the whole the proposal will improve the character of the district, and it therefore merits approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations to a non-contributing resource within the Irvington Conservation District per the Community Design Guidelines, including:

- Replacement of existing vinyl windows with metal clad wood windows;
- Closure of an existing main entry;
- Reconfiguration of an existing secondary entry, including new steps and planters;
- Enlarging an existing picture window into two wooden sliding doors with sidelights;
- Replacement of variegated Roman brick veneer and wood siding with clear finished cedar siding
- Replacement of variegated Roman brick veneer and wood siding with stucco;
- Installation of one skylight on the north-facing roof slope;
- Re-roofing with metal shingles;
- Construction of a landscape screen wall/planter: and
- Permanent landscape plantings.

Approval per Exhibits C-1 through C-5, signed and dated May 13, 2009, 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-5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 09-115028 HDZ. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by: ______ on May 13, 2009.

By authority of the Director of the Bureau of Development Services

Decision mailed: May 18, 2009

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 March 17, 2009, and was determined to be complete on **April 17, 2009**.

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 17, 2009.

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 Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed by 4:30 PM on June 1, 2009 at 1900 SW Fourth Ave. Appeals can be filed on the first floor in the Development Services Center until 3 p.m. After 3 p.m., 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 contact the receptionist at 503-823-7967 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 Historic 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 Historic 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 June 2, 2009 (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:

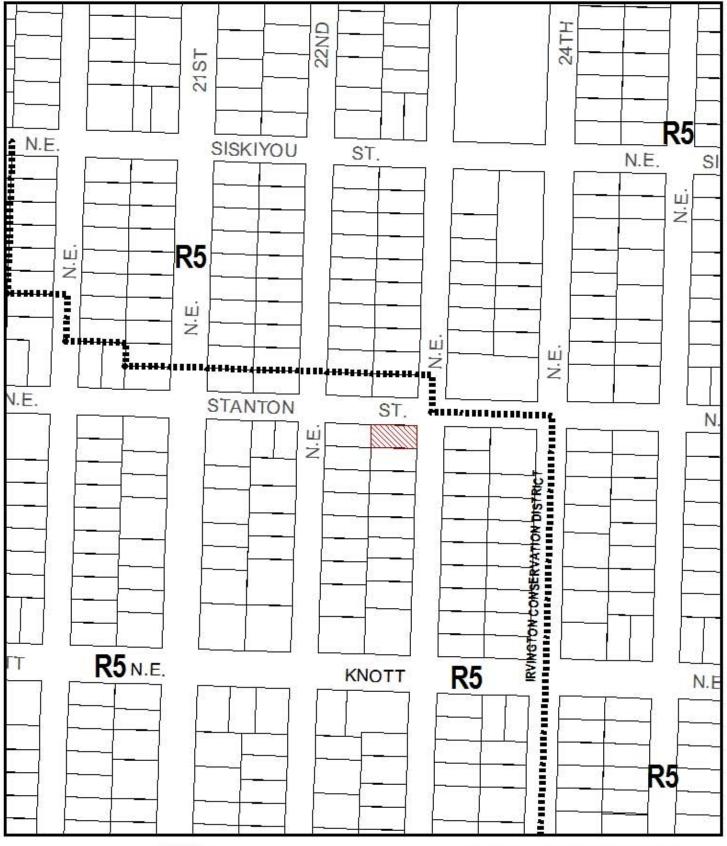
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Roof Plan
 - 2. Site/Landscape Plan (attached)
 - 3. Elevations/Skylight Detail (attached)
 - 4. Stair/Porch Details
 - 5. Additional Skylight Information
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Fire Bureau
 - 4. Site Development Review Section of BDS
- F. Correspondence:
 - 1. Gail and Ron Jeidy, April 23, 2009, in support but requesting shingle rather than standing seam texture for roof.
 - 2. Dean Giswold, Co-Chair of the Irvington Community Association, Land Use Committee, recommending approval of proposal with revised (metal shingle) roofing.
- G. Other:
 - 1. Original LU Application
 - 3. Site History Research
 - 4. Case Communication Log

The Bureau of Development Services is committed to providing equal access to information and hearings. If you need special accommodations, please call 503-823-7300 (TTY 503-823-6868).

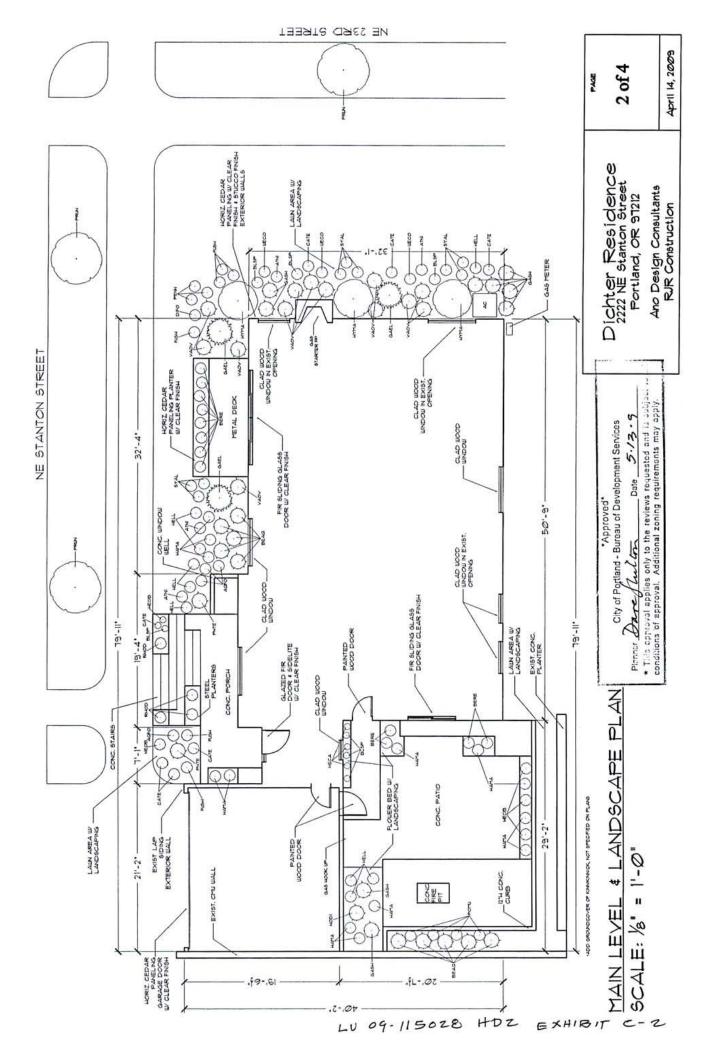


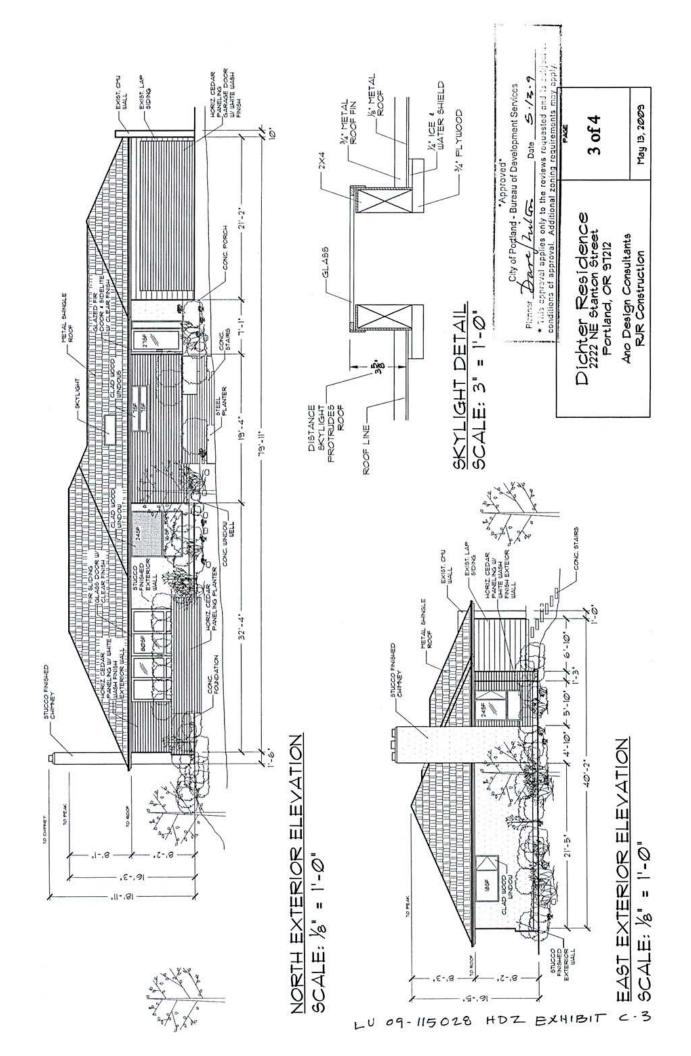
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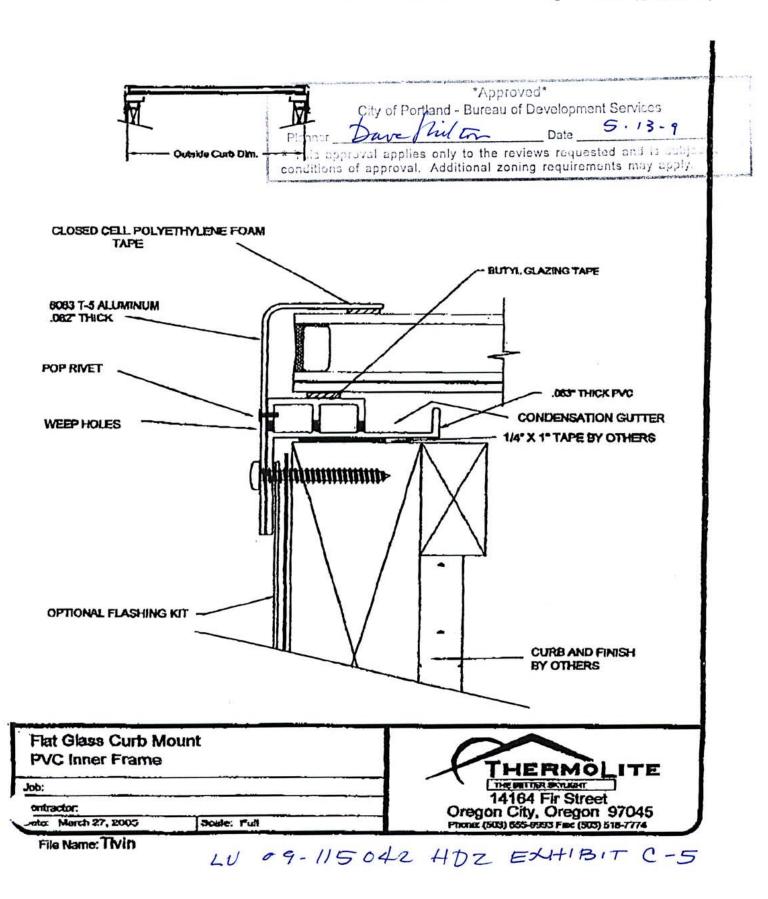


File No. LU 09-115028 HDZ 2732 1/4 Section. 1 inch = 200 feet Scale. 1N1E26AD 13300 State_Id Exhibit. (Apr 17,2009)









May 13 09 10:40a Rasa Yurchis