



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** August 26, 2011  
**To:** Interested Person  
**From:** Mark Bello, Land Use Services  
503-823-7810 / [Mark.Bello@portlandoregon.gov](mailto:Mark.Bello@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 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 11-152644 HDZ**  
**2711 NE 13<sup>TH</sup> AVENUE, EXTERIOR ALTERATION**

**GENERAL INFORMATION**

**Applicant:** Gene Hubbell  
Portland Development Grp LLC  
11124 NE Halsey St #644  
Portland OR 97220

**Site Address:** 2711 NE 13TH AVE

**Legal Description:** BLOCK 81 LOT 9, IRVINGTON  
**Tax Account No.:** R420416890  
**State ID No.:** 1N1E26BD 13200  
**Quarter Section:** 2731

**Neighborhood:** 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 Shoshana Cohen at 503-823-4575.  
**Zoning:** R5 Residential 5,000  
**Case Type:** HDZ Historic Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**PROPOSAL:**

The applicant seeks historic design review approval for exterior modifications to a contributing resource, built in 1925 in the bungalow/Colonial Revival style, in the Irvington Historic District to include the following:

- Covering one historic window on the ground floor of the south elevation with matching lap cedar siding. (This window is located toward the rear of the house.)

**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:

## ANALYSIS

**Site and Vicinity:** The house is a bungalow with Colonial Revival stylistic overtones. It has a strong architectural form with a prominent gable parallel to the street with a well-integrated shed roof dormer. The front porch is a strong feature that directs attention to the front façade and strong street presence.

The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. Adjacent to this site, to the south, is a particularly strong example of Dutch Colonial.

In terms of the streetscape, the numbered north-south avenues in Irvington form rather long block faces which the houses generally address. The bungalow faces NE 13<sup>th</sup> Avenue while the Dutch colonial to the south faces NE Knott Street. All streets are lined with mature street trees, including NE 13<sup>th</sup> Avenue and NE Knott Street. Original development in many cases included garages or other accessory structures accessed by a variety of driveway types on mid-block sites. The applicant's site also contains a detached garage in the southwest corner.

**Zoning:** The Residential 5,000 (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 Historic Resource Protection 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 on **July 21, 2011**. The following Bureaus have responded with no issues or concerns about the proposal:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Bureau of Parks, Forestry Division
7. Life Safety Plans Examiner, Bureau of Development Services

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **July 21, 2011**. No written responses have been received from notified property owners in response to the proposal. The Irvington Land Use Committee reports receiving a comment from a neighbor in support of the project. Irvington also supports the application: "The Committee notes the proposed window removal is well back from the front of the house, is not character defining, and is proposed to be covered over with historically matching siding."

## ZONING CODE APPROVAL CRITERIA

### Chapter 33.846.060 - Historic Design Review

#### **Purpose of Historic Design Review**

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

#### **Historic Design Review Approval Criteria**

Requests for historic design 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 within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore Historic Design Review approval is required. The approval criteria are those listed in 33.846.060 G – *Other Approval Criteria*.

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

### **33.846.060 G - Other Approval Criteria**

**1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

**Findings:** The window to be covered is located at the rear of the house and can be viewed from the street only at a distance and an oblique angle. The window will be covered by matching lap siding so the only change will be the reduction of the number of visible windows on this façade and an increase in the amount of visible lap siding. The small scale of the alteration and the compatibility of the new siding material will have a minimal effect on the historic district. *This criterion is met.*

**4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

**Findings:** The covering of an existing window and with lap siding that matches existing lap siding elsewhere on the south façade of the house is being undertaken in order to accommodate changes to the kitchen floor plan. Although the proposal removes the visible evidence of an historic element, it will not have an adverse effect on this individual resource's ability to contribute to the character of the Irvington Historic District because the changes are at the rear and minimally viewable from the public right-of-way. *This criterion is met.*

**8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

**9. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for Criteria 8, and 9:** The covering of an existing window with lap siding does not affect the house's massing, size, or scale. Architectural features such as fenestration and cladding will be retained. There will be one fewer window, at an unobtrusive location, and additional matching siding. The original design is not compromised with this rebalancing. The neighboring home and the neighborhood will not suffer from incompatible alteration. The lap siding can be removed and the current design reintroduced, if desired because the window will remain in place. *These criteria are 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 minor alteration will accommodate the needs of the applicant without having an adverse effect on the character of the Irvington Historic District. The purpose of the Historic Design 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 Design Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of covering of one existing window with lap siding on a contributing resource in the Irvington Historic District;

Approval per Exhibits C-1 and C-2, signed and dated August 24, 2011, subject to the following condition:

- A. As part of the building permit application submittal, the following development-related condition must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 11-152644 HDZ." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

**Staff Planner: Mark Bello**

**Decision rendered by:**  **on August 24, 2011**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: August 26, 2011**

**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 June 28, 2011, and was determined to be complete on **July 19, 2011.**

*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 June 28, 2011.

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: November 16, 2011.**

**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 September 9, 2011** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, 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. 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 [www.portlandonline.com](http://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 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 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 **September 12, 2011**.
- 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.

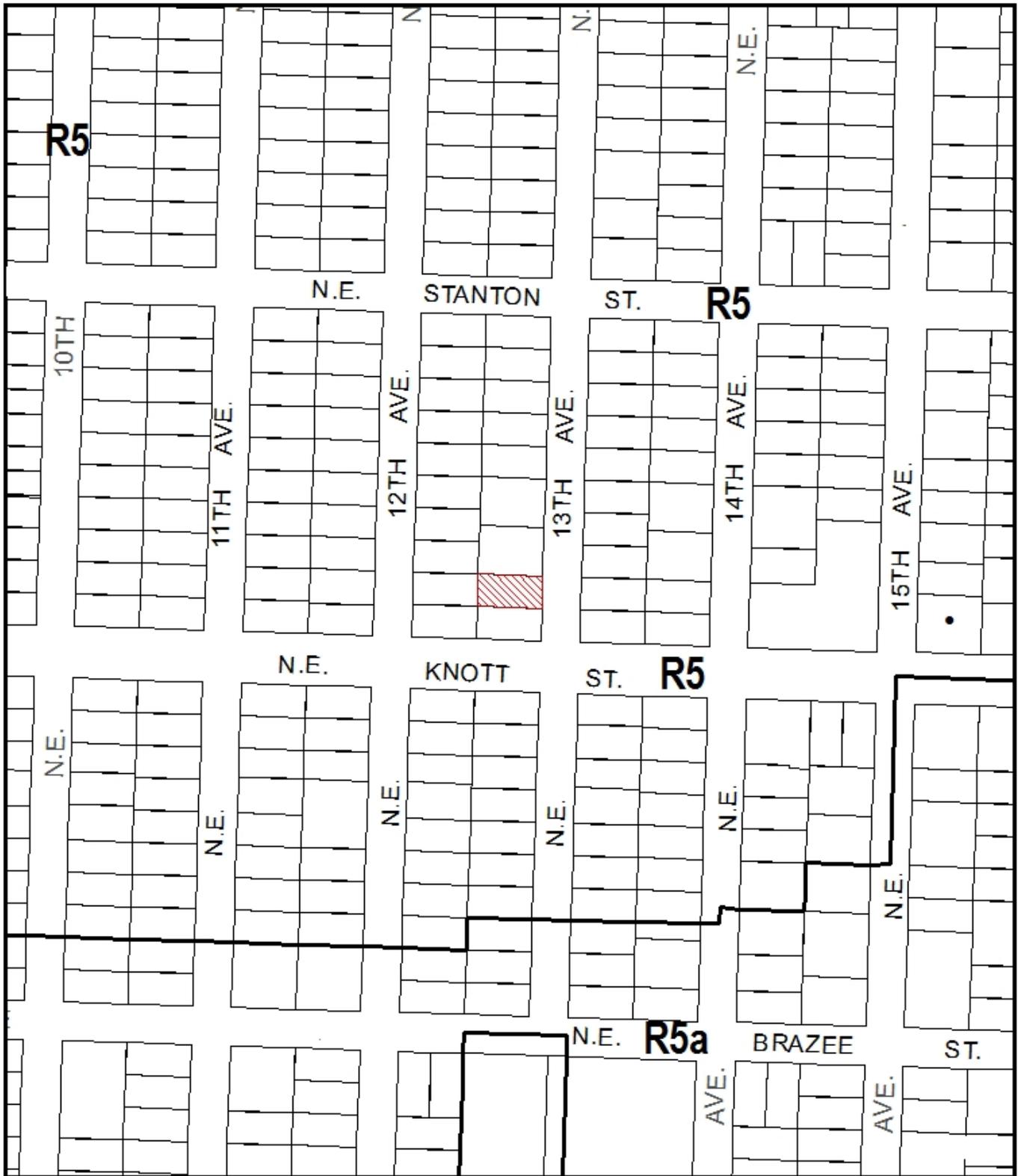
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Elevations (attached)
- D. Notification information:
  - 1. Mailing list

2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
  2. Bureau of Transportation Engineering and Development Review
  3. Water Bureau
  4. Fire Bureau
  5. Site Development Review Section of BDS
  6. Bureau of Parks, Forestry Division
  7. Life Safety Plans Examiner, Bureau of Development Services
- F. Correspondence:
1. Jim Barta, ICA Land Use Committee, August 22, 2011
- G. Other:
1. Original LU Application
  2. Site History Research
  3. Architectural Survey Data for Irvington Historic District

**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

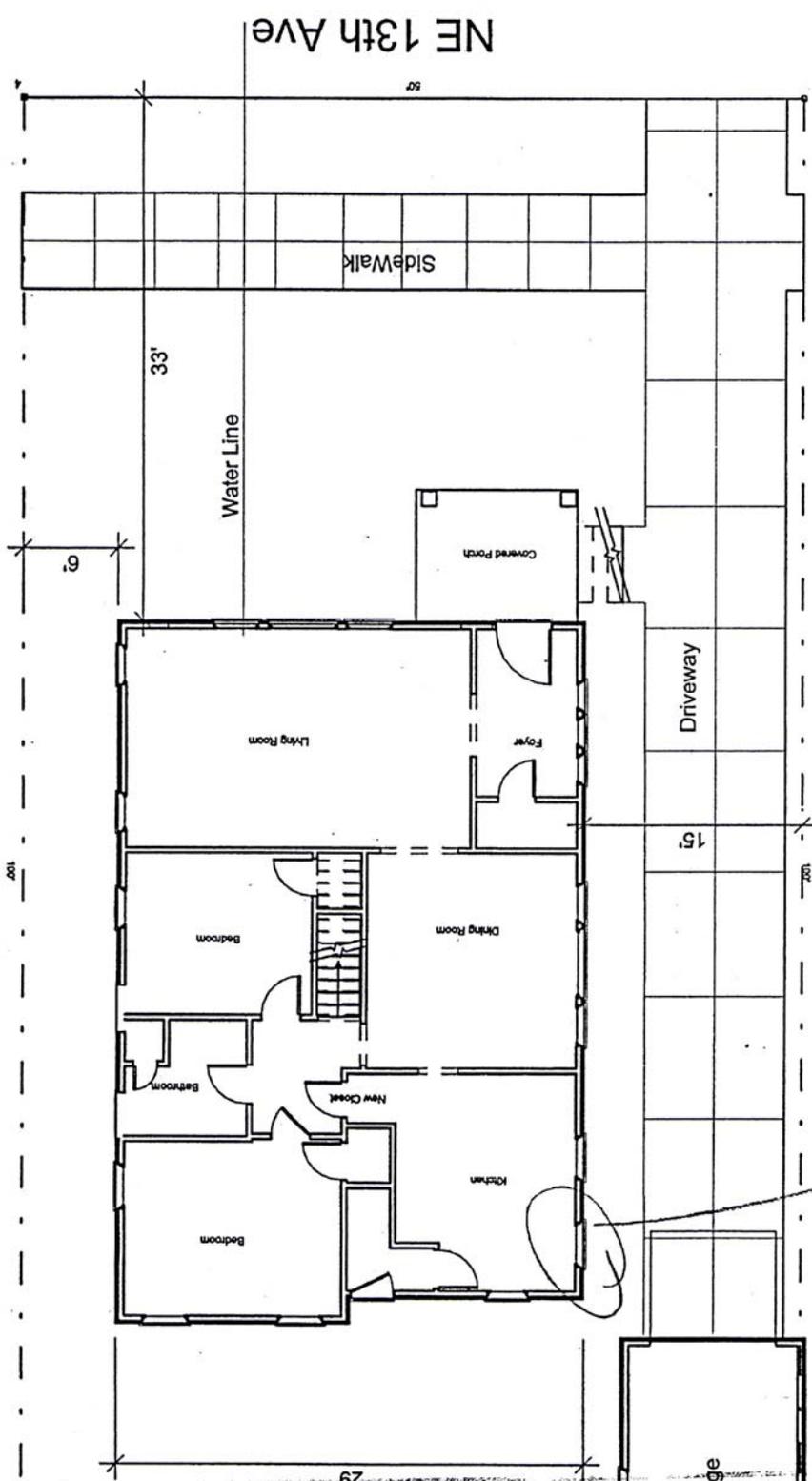
 Site

 Historic Landmark



This site lies within the:  
IRVINGTON HISTORIC DISTRICT

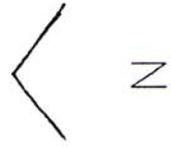
File No. LU 11-152644 HDZ  
 1/4 Section 2731  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26BD 13200  
 Exhibit B (Jul 19,2011)



Portland Dev Group  
 Portland Dev Group  
 2711NE 13th Ave  
 Portland, Oregon

Plot Plan  
 1/8"=1'

PROPOSAL:  
 COVER WINDOWS,  
 MATCH SIDINGS



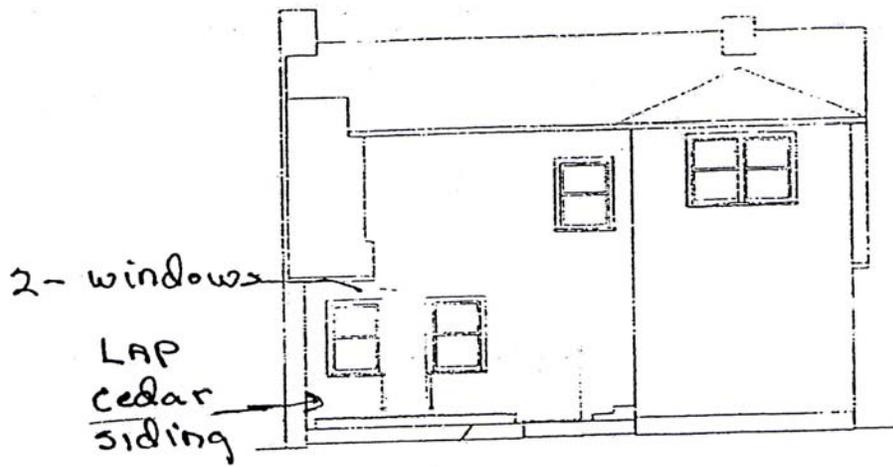
City of Portland - Bureau of Development Services

Planner UB Date 8/24/11

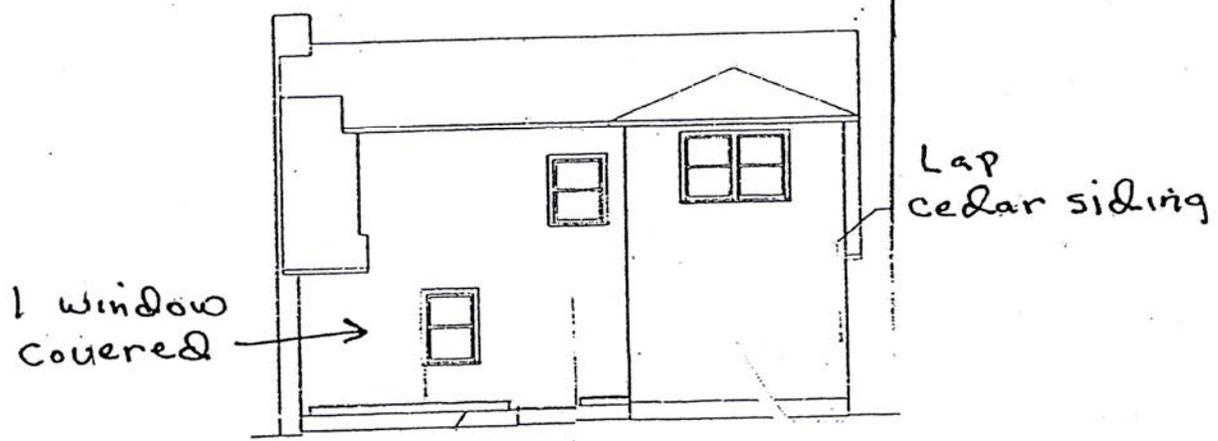
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

CASE NO. \_\_\_\_\_  
 EXHIBIT C1

LU 11-152644 HD2



① EXISTING SOUTH (SIDE) ELEVATION  
1/8" = 1'-0"



③ PROPOSED SOUTH (SIDE) ELEVATION  
1/8" = 1'-0"

<b>Portland Dev Group</b>	
City of Portland - Bureau of Development Services	*Approved*
Planner <u>MB</u>	Portland Dev Group 2711NE 13th Ave Portland, Oregon
* This approval applies only to the use requested and is subject to all conditions of approval. Additional zoning requirements may apply.	
46	01487014

CASE NO. LU 152644 HD2  
EXHIBIT

CZ