



City of Portland, Oregon

Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

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

Date: October 20, 2011

To: Interested Person

From: Dave Skilton, Land Use Services 503-823-0660

dave.skilton@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 11-162255 HDZ – FRONT PORCH AND REAR ADDITION

GENERAL INFORMATION

Applicant: Jennifer and Steve Raze

2438 NE 17th Avenue Portland, OR 97212

Representative: Steve Raze

Caden Custom Homes LLC 3720 SW Bond Avenue #102

Portland, OR 97239

Site Address: 2007 NE 25th Avenue

Legal Description: BLOCK 1 LOT 9, WILD ROSE ADD

Tax Account No.: R910200170 **State ID No.:** 1N1E25CC 04400

Quarter Section: 2833

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.

District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-

823-4575.

Other Designations: Contributing resource in the Irvington Historic District, which was

listed in the National Register of Historic Places on October 22, 2010.

Zoning: R5a, Residential 5000 with Historic Resource Protection and

Alternative Design Density overlay zones.

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 replace an existing non-historic front porch with a new, larger porch, based on historic evidence; make an addition

at the rear of the house; and provide three window wells to an enlarged basement. Historic Design Review is required because the proposal is for non-exempt exterior alterations in a historic 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 G – Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject property, identified as the P. B. Semler House in the National Register of Historic Places documentation for the Irvington Historic District, displays a vernacular amalgam of late Nineteenth Century stylistic elements. It was constructed in 1905. Notwithstanding loss of its original front porch and mid Twentieth Century re-cladding with pebbledash stucco, the subject property was evaluated as a contributing resource in the nomination document.

Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

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. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. Original development in many cases included garages or other accessory structures, typically facing side streets on corner lots and accessed by a variety of driveway types on mid-block sites. Garages that were added after original construction, but still within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

Zoning: The single-dwelling zones, including R5, 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 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.

The purpose of the Alternative Design Density Overlay Zone is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to

allow increased density for development that meets additional design compatibility requirements.

Land Use History: City records indicate there are no prior land use reviews for this site.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed on September 22, 2011.

Agency Review: None of the notified Bureaus has responded with issues or concerns.

Neighborhood Review: Two written responses were received from either the Neighborhood Association or notified property owners in response to the proposal.

- Ellen Snyderman wrote on September 23, 2011questioning the size of the rear addition and the location of a garage proposed in the rear and side setbacks in the southwest corner of the property.
- Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on October 13, 2011, generally approving the proposal but with comments on style issues and registering a general objection to structures allowed outright in setbacks by code.

Staff Response: Per 33.445.320 B 1, construction of a detached accessory structure with 300 square feet or less of floor area is exempt from Historic Design Review when the structure is 40 feet or more from a front property line. At $13'-6" \times 22'-0"$ the proposed garage will have a floor area of 297 square feet, and it will be 78 feet from the front property line. It is not subject to this review. The garage is also allowed outright in the proposed location per Portland Zoning Code 33.110.253 D.

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.
- **2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- **3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.

Findings for 1, 2, and 3: The historic character of the individual contributing resource has already been significantly compromised as viewed from the street. The original wood siding has been covered over with historically incompatible pebbledash stucco, and the original front porch has been replaced with a smaller, enclosed structure. These changes, believed to date from the 1960s, are too recent to have achieved significance. The proposal is to remove the stucco and restore wood siding, and to replace the front porch with a more open structure based on a Sanborn Insurance Company map from the historic period. Although the form of the original porch cannot be determined from the map its basic size will be similar. An uncovered porch extension is also proposed, and has precedents within the period of significance. At the rear of the house, where alterations have a less direct effect on the character of the historic district, an offset one story addition and a new dormer are proposed, with materials matching those on the rest of the house. Three new window wells are also proposed to serve an enlarged basement. Although visible from the street, the additions are in the spirit of the building's style, and they are balanced by a more compatible front porch and the restoration of wood siding. These criteria are 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 proposal includes removal of a small gable vent and repair of the shingling with a decorative diamond pattern in the shingling, based on surviving remnants of this historic treatment. *This criterion is met.*

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: Because the proposal includes significant excavation of previously undisturbed soil, there is increased potential that archaeological resources could be impacted. With a condition of approval that, in the event of any archaeological discovery, work will be stopped and the State Archaeologist will be notified, this criterion is met

7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

Findings: The proposed work will include discernibly modern features such as double glazing single-pane French doors, and the rear addition will be offset from the side walls of the existing structure to give it a subtly separate identity. *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.
- **10. 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 8 and 10: Because it is open and in a known historic location, the proposed front porch is more compatible with the character of the designated resource, the Irvington Historic District, than the existing non-historic closed one. Along with the removal of the out-of-period pebbledash stucco and restoration of lap siding, this moves the individual resource in the right direction vis-à-vis the public's perception. The rear addition is compatible with the district because it uses similar materials to the existing house and is generally out of the public view. *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

In this case the applicant was deeply vested in a design developed before the effective date of the Irvington Historic District but applied after it, and the plans were unlikely to meet the approval criteria. Working with members of the Irvington Community Association Land Use Committee, the applicant developed a new approach that resulted in the current, approvable proposal. All parties are to be congratulated for their patience and flexibility in resolving a difficult situation. 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 exterior alterations including a replacement front porch and a rear addition, on a contributing resource in the Irvington Historic District;

Approval per Exhibits C-1 through C-7, signed and dated October 17, 2011, 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-7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-162255 HDZ. No field changes allowed."
- B. In the event of archaeological discovery during excavation, work will be stopped and the State Archaeologist will be notified.

Staff Planner: Dave Skilton

Decision rendered by: ______ on October 17, 2011

By authority of the Director of the Bureau of Development Services

Decision mailed: October 20, 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 July 28, 2011, and was determined to be complete on **September 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 July 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.

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 November 3, 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.

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 **November 4, 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.

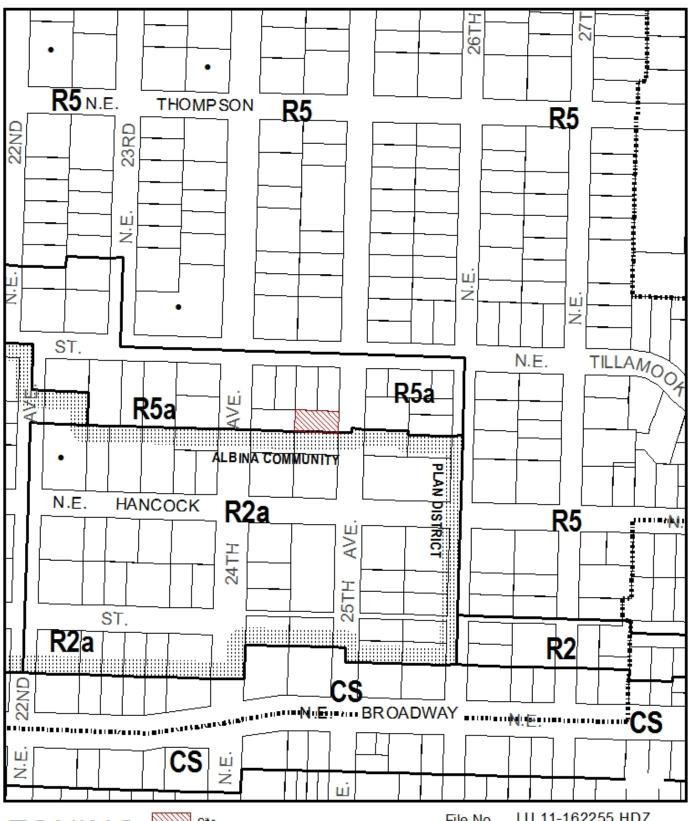
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
 - 3. Floor Plans
 - 4. Railing and Post Details
 - 5. Window Well Details
 - 6. Vertical Window Section
 - 7. Horizontal Window Section
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Fire Bureau
 - 4. Life Safety Review Section of BDS
- F. Correspondence:
 - 1. Ellen Snyderman wrote on September 23, 2011questioning the size of the rear addition and the location of a garage proposed in the rear and side setbacks in the southwest corner of the property.
 - 2. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on October 13, 2011, generally approving the proposal, with comments on style and registering an objection to structures allowed outright in setbacks by code.
- G. Other:
 - 1. Original LU Application
 - 2. Site History Research

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: IRVING TON HISTORIC DISTICT

File No. LU 11-162255 HDZ

1/4 Section 2833

Scale 1 inch = 200 feet

State_Id 1N1E25CC 4400

Exhibit B (Sep 20,2011)

