



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
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www.portlandoregon.gov/bds

Date: December 10, 2012
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 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 12-196636 HDZM – NEW FRONT PORCH

GENERAL INFORMATION

Applicant/Owner: Joel Anderson
3626 NE 16th Avenue / Portland, OR 97212

Representative: Elizabeth Maher 206-941-6006 / Elizabeth Maher Architects
4916 46th Avenue S / Seattle, WA 98118

Site Address: 2134-2136 NE 19th Avenue

Legal Description: BLOCK 35 LOT 14, IRVINGTON
Tax Account No.: R420407560
State ID No.: 1N1E26DA 16000
Quarter Section: 2832
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, Chris Lopez at 503-823-4575.
Other Designations: Non-contributing resource in the Irvington Historic District, which was listed in the National Register of Historic places on October 22, 2012.

Zoning: R5a, Single Dwelling Residential 5000, with Historic Resource Protection and Alternative Design Density Overlay zones.

Case Type: HDZM, Historic Design Review with a modification requested.
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 add a new front porch, rebuild an existing rear porch, and make other alterations on a non-contributing resource in the Irvington Historic District. Historic Design Review is required because the proposal is for exterior alteration of a primary structure in a historic district.

Modification: The applicant is seeking a modification of 33.110.225 Building Coverage, for a proposal that exceeds the allowed coverage of 2,250 square feet by 540 square feet.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria indicated in the Zoning Code (Title 33 of the Portland City Code). The relevant criteria are:

- 33.846.060 G Other Approval Criteria
- 33.846.070 Modifications Considered in Historic Design Review

ANALYSIS

Site and Vicinity: The subject property is a highly altered duplex which is stylistically muddled. It was built in about 1892, as a duplex, and altered both outside and during the historic period. The changes include removal of the original front porch, alteration of the basic roof form, and the application of secondary siding. Although some original materials e.g. windows and siding, remain on the building, it is appropriately evaluated as non-contributing in the National Register documentation for the Irvington Historic District because of the substantial loss of physical integrity.

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 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.

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 November 6, 2012.

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

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

- Rufus and Karen Day wrote on November 25, 2012, welcoming the proposed alterations.
- Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, wrote on November 30, 2012, with no objection to the proposal, but with the following commentary: "Notwithstanding the current condition, there is much of this property that is original, such as the front door and the scallop siding. We would like the applicant to know that, regardless on the non-contributing status, the owner and contractor should do what they can to keep original elements intact, and work to keep as much of the historical character as possible."

Staff Response: Section 33.445.320 of the Zoning Code makes no clear distinction between the treatment of contributing and non-contributing resources in historic districts, nor do the approval criteria in this case, 33.846.060 G. However, section 33.445.330 A. 1. a. does specifically allow demolition of non-contributing resources without any land use review. Because this straightforward provision provides no consideration for surviving historic aspects on non-contributing properties, staff has construed the code to imply that non-contributing resources are without significant historic character for purposes of Historic Design Review. This interpretation has been applied consistently in order to give applicants certainty, even when non-contributing resources date to and include some materials from the historic period.

In conversations outside the Historic Design Review process, regardless of a property's contributing or non-contributing status, the historic resource review staff always encourages inquirers and applicants to consider restoration as a the most desirable approach. Failing that option staff also advises photo-documentation of existing conditions and retention of historic materials on site against the possibility of future reinstatement.

ZONING CODE APPROVAL CRITERIA

(1) Chapter 33.846, Historic Reviews

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 alteration of a primary structure. 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 criteria and addressed only those applicable to this proposal.

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: Because the subject property is evaluated as non-contributing within the context of the Irvington Historic District, it is viewed by the Zoning Code as being without significant historic character. Surviving materials and features from the period of significance are likewise not considered historic. *This criterion is not applicable.*

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: The proposed new front porch and facade alterations are sympathetic with the original stylistic character of the building, although its exact historic configuration is unknown. Reinstatement of a full width front porch, which is supported by evidence in Sanborn Fire Insurance maps, and introduction of additional details typical of the historic period improve the currently stripped down character of the facade in terms of compatibility with the historic district and the adjoining properties. The modest additions and alterations proposed at the rear of the house, including the covered porch, are in scale with the building and generally out of public view, and they will not have an adverse effect on the individual property or resource.

However, perhaps the single most intact characteristic of the subject structure is its size relative to the lot, which even without the reinstatement of a front porch exceeds the coverage allowed under current regulations. This reflects its original construction as a duplex. Returning a full width covered porch, even though it pushes the site coverage further out of conformance, will better meet the approval criteria because recovering a front porch will make the house more compatible with historic district character. Because the two added porches will be without walls, they will retain important characteristics of openness described in the purpose statement.

These criteria are met.

(2) Chapter 33.846.070 Modifications Considered During Historic Design Review

The approval criteria for modifications considered during historic design review are:

- A. Better meets historic design review approval criteria.** The resulting development will better meet the approval criteria for historic design review than would a design that meets the standard being modified; and
- B. Purpose of the standard.**
 1. The resulting development will meet the purpose of the standard being modified; or
 2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

33.110.225 A. Purpose The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.

Modification The applicant is seeking a modification of 33.110.225 Building Coverage, for a proposal that exceeds the allowed coverage of 2,250 square feet by 540 square feet. Existing coverage is 2,270 square feet and the new total would be 2,790 square feet.

Findings for A: As evidenced in the findings under Guidelines 8 and 10 above, the resulting development will better meet the approval criteria because it will reintroduce an important characteristic to the district, a full width front porch.

Findings for B: The purpose of the regulation is met because the proposed porches, although roofed, are without walls and have the character of open space.

The proposed Modification meets the approval criteria and the purpose of the standard and therefore merits approval.

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 spite of the property's non-contributing designation, reinstating a full front porch will help to reinforce historic character in 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 modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

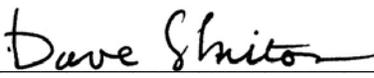
Approval of a new front porch and other alterations to a non-contributing house in the Irvington Historic District;

Approval of a modification of 33.110.225 Building Coverage, for a proposal that exceeds the allowed coverage of 2,250 square feet by 540 square feet, for a total of 2,790 square feet;

Approvals are per Exhibits C-1 through C-8, signed and dated December 6, 2012, 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-8. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-196636 HDZM. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on December 6, 2012.**
By authority of the Director of the Bureau of Development Services

Decision mailed: December 10, 2012

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 October 19, 2012, and was determined to be complete on **November 5, 2012.**

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 October 19, 2012.

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 December 24, 2012** 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 **December 26, 2012**.
- 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.

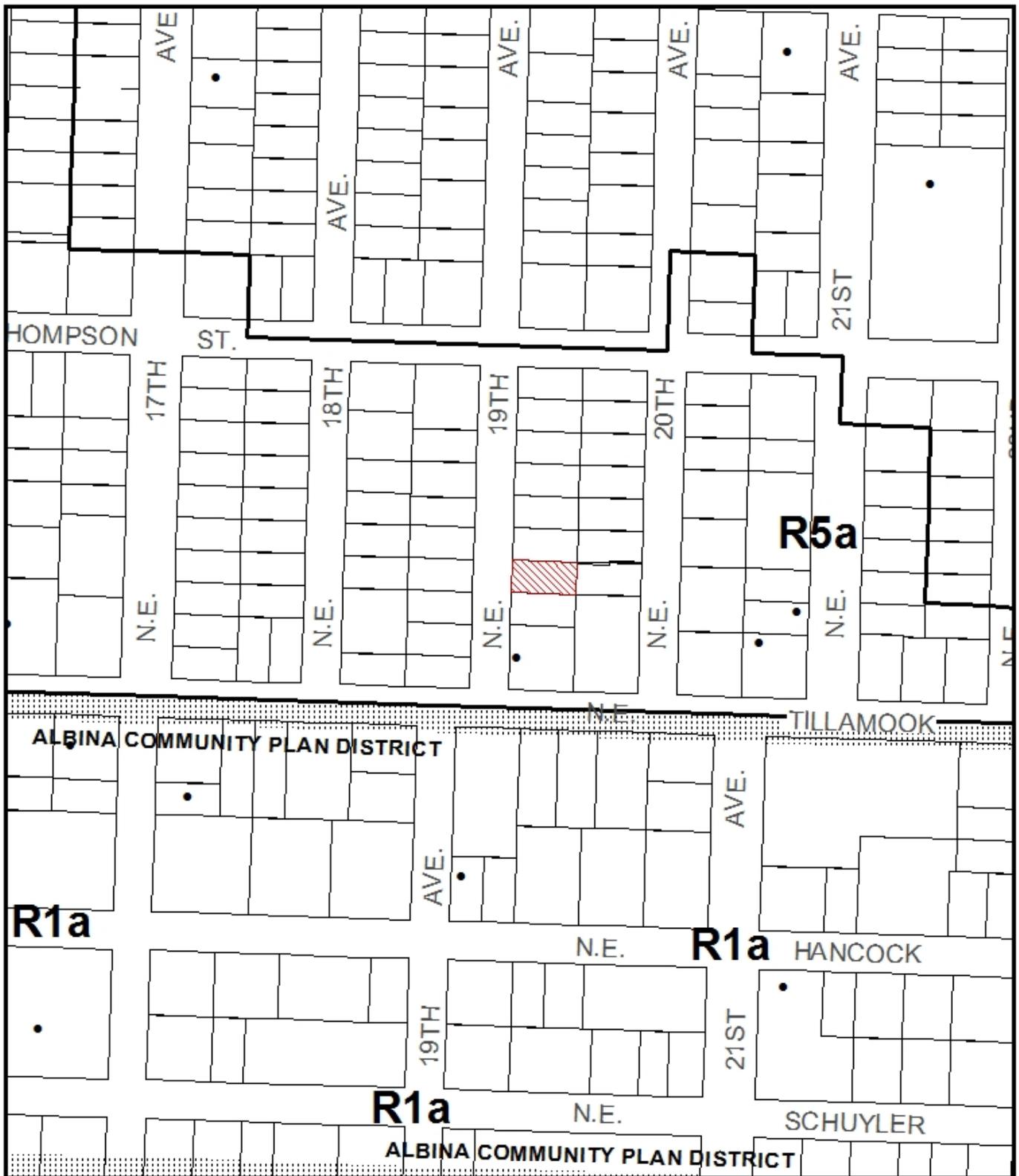
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)

2. Proposed West and East Elevations (attached)
 3. Proposed South Elevation
 4. Proposed North Elevation
 5. Existing West and East Elevations
 6. Existing South Elevation
 7. Existing North Elevation
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Bureau of Environmental Services
 2. Water Bureau
 3. Bureau of Transportation Engineering and Development Review
 4. Life Safety Review Section of BDS
 5. Bureau of Parks, Forestry Division
- F. Correspondence:
1. Rufus and Karen Day wrote on November 25, 2012, welcoming the proposed alterations.
 2. Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, wrote on November 30, 2012, with no objection to the proposal, but with the following commentary: "Notwithstanding the current condition, there is much of this property that is original, such as the front door and the scallop siding. We would like the applicant to know that, regardless on the non-contributing status, the owner and contractor should do what they can to keep original elements intact, and work to keep as much of the historical character as possible."
- 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).



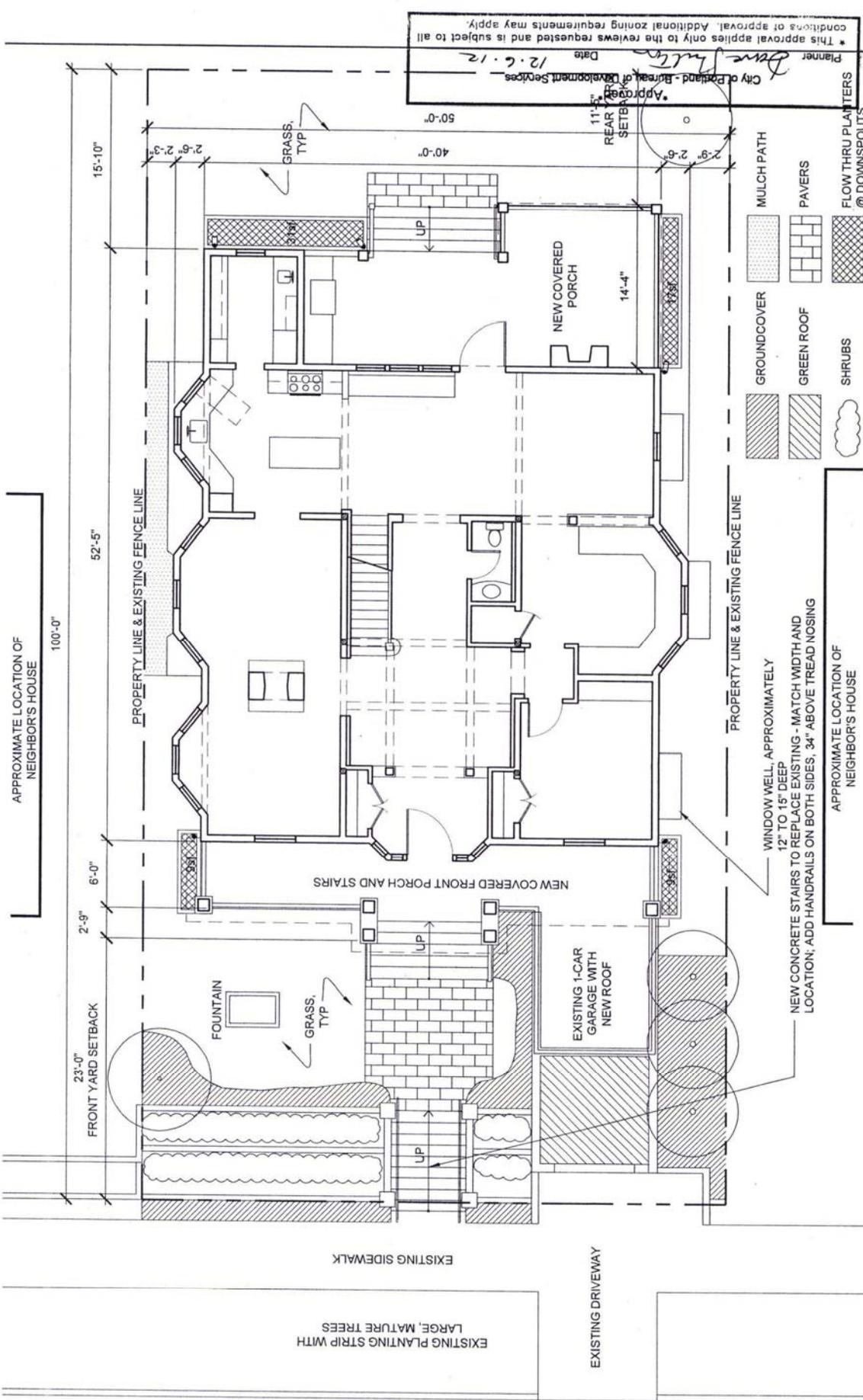
ZONING

-  Site
-  Historic Landmark



This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No.	LU 12-196636 HDZM
1/4 Section	2832
Scale	1 inch = 200 feet
State_Id	1N1E26DA 16000
Exhibit	B (Oct 22, 2012)



City of Portland - Bureau of Development Services
 Approved: *[Signature]* Date: 12.6.12
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

19th AVENUE NE
 SEWER AND STORM LINES RUN NORTH/SOUTH IN THE STREET

EXISTING PLANTING STRIP WITH LARGE, MATURE TREES

EXISTING DRIVEWAY

EXISTING SIDEWALK

APPROXIMATE LOCATION OF NEIGHBOR'S HOUSE

APPROXIMATE LOCATION OF NEIGHBOR'S HOUSE

WINDOW WELL, APPROXIMATELY 12" TO 15" DEEP

NEW CONCRETE STAIRS TO REPLACE EXISTING - MATCH WIDTH AND LOCATION; ADD HANDRAILS ON BOTH SIDES, 34" ABOVE TREAD NOSING

PROPERTY LINE & EXISTING FENCE LINE

PROPERTY LINE & EXISTING FENCE LINE

LEGEND:
 GROUND COVER
 GREEN ROOF
 SHRUBS
 MULCH PATH
 PAVERS
 FLOW THRU PLANTERS @ DOWNSPOUTS

APPROXIMATE LOCATION OF NEIGHBOR'S HOUSE

LAND USE REVIEW
 October 19, 2012

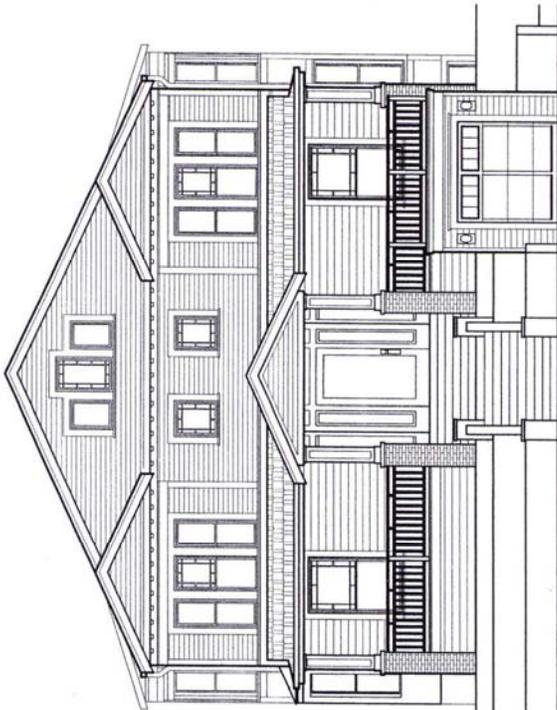
PROPOSED SITE PLAN
 SCALE: 1/8" = 1'-0"

ANDERSEN RESIDENCE
 2134 NE 19th Avenue, Portland, OR 97212

ELIZABETH MAHER ARCHITECT
 4916 46th Ave S.
 Seattle, WA 98118
 206.941.6006
 elizabeth.maher@yahoo.com

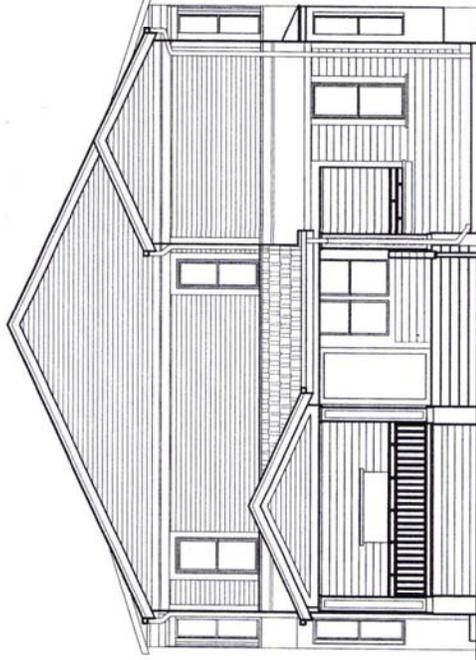
A1
 PROPOSED
 1/20/12

12-196636
 C-1



EXISTING 1 CAR GARAGE

PROPOSED
~~EXISTING WEST (STREET) ELEVATION~~



PROPOSED
~~EXISTING EAST (REAR) ELEVATION~~

Approved
City of Portland - Bureau of Development Services
Planner: *David Miller*
Date: 12.6.12
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

ELIZABETH MAHER ARCHITECT
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Seattle, WA 98118
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ANDERSEN RESIDENCE
2134 NE 19th Avenue, Portland, OR 97212

LAND USE REVIEW
October 19, 2012

PROPOSED EAST AND WEST ELEVATIONS
SCALE: 1/8" = 1'-0"

A2

PROPOSED

C-2

LM 12-196636 HDM