



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

Charlie Hales, Mayor
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: March 22, 2013
To: Interested Person
From: Kate Marcello, Land Use Services
503-823-7538 | kate.marcello@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, via this link: <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 13-115824 HDZ Exterior Alterations

GENERAL INFORMATION

Applicant/Owner: Charles Gill / 503-516-4663
3439 NE Sandy Blvd #275 | Portland, OR 97232

Site Address: 2606 NE 11th Avenue

Legal Description: BLOCK 89 LOT 16, IRVINGTON
Tax Account No.: R420420780
State ID No.: 1N1E26BD 19500
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: NE Coalition of Neighborhoods; Shoshana Cohen at 503-388-5004
Other Designations: Non-contributing resource in the Irvington Historic District, which was listed in the National Register of Historic Places on Oct 22, 2010

Zoning: Residential 5000 (R5) base zone;
Historic Resource Protection overlay zone

Case Type: Historic Design Review (HDZ)
Procedure: Type II (an administrative decision with appeal to the Historic Landmarks Commission)

Proposal: The applicant requests Historic Design Review approval for exterior alterations to a non-contributing resource in the Irvington Historic District.

An existing dormer on the rear façade will be expanded. A double-hung wood window will be installed on the new portion of the dormer. The new portion of the dormer will match the existing dormer with respect to roof pitch, roof material, and siding material.

A new basement egress window will be installed on the south façade. The window will be made of vinyl.

Because the proposal is for non-exempt exterior alterations to an existing building in a designated Historic District, Historic Design Review approval is required prior to the issuance of building permits.

Note: Additional exterior alterations are indicated on the attached elevation drawings. These alterations are exempt from Historic Design Review per 33.445.320.B in the Portland Zoning Code.

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

- I. Site and Vicinity:** The subject site, which is 5,000 square feet in size, is occupied by a 1,926-square-foot single-family home classified as a Non-Contributing Resource in the Irvington Historic District. The site is located on the rectangular block bounded by NE 11th Avenue to the west, NE Knott Street to the north, NE 12th Avenue to the east, and NE Brazee Street to the south.

The one-story English Cottage-style home, which fronts NE 11th Avenue, was constructed in 1926. The house appears to have undergone many alterations over the years, including but not limited to the following: changes to the siding pattern, removal of original wood lap siding and replacement with aluminum siding, installation of faux shutters, removal of several original wood windows and replacement with aluminum windows, and removal of original decorative porch columns. A paved driveway is located along the northern edge of the house. It provides access to a detached 288-square-foot garage located near the northeast corner of the site.

Residential buildings dominate the vicinity. Most buildings on the block are single-family homes. The Colonial Revival-style house at 2616 NE 11th Avenue, located directly north of the subject site, is classified as a Contributing Resource. It was constructed in 1926. The house at 2542 NE 11th Avenue, located directly south of the subject site and built in 1927, is classified as a Contributing Resource. It is a bungalow-type house constructed in the Colonial Revival style. The bungalow-type house at 2617 NE 11th Avenue, located directly west of the subject site, is classified as a Non-contributing Resource. It was constructed in 1913. The Victorian-era house at 2611 NE 12th Avenue, located directly east of the subject site, was built in 1884. There are two u-shaped multi-family buildings located along the southern edge of the block.

The Irvington neighborhood was platted in the nineteenth century. The neighborhood developed generally from southwest to northeast. Its growth was influenced greatly by the establishment of streetcar lines. The streetcar lines made it easy for Irvington residents to commute to work in downtown Portland.

The neighborhood was the first addition to the City of Portland where restrictive covenants were used from the outset. Non-residential uses were excluded from the interior of the neighborhood. Where non-residential uses were allowed, such as the fire station and telephone exchange, the buildings were intentionally disguised to appear residential in character. Uniform setbacks were also required for houses in the neighborhood. There was also a deed restriction that excluded people of color.

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 size of lots and houses. With respect to the streetscape, the numbered north-south avenues in Irvington form exceptionally long block faces. Houses generally face these long block faces. In contrast, the block faces of the named east-west streets are almost all 200 feet long, which is the more typical length for a block face in Portland. Streets in Irvington are lined with mature trees.

II. 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 is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks. The regulations that pertain to these properties protect certain historic resources in the region and preserve significant parts of the region's heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

III. Land Use History: City records indicate no prior land use reviews for the subject site.

IV. Agency Review: A *Notice of Proposal in Your Neighborhood* was mailed on February 21, 2013. No City bureaus responded with comments or objections to the proposal.

V. Neighborhood Review: A *Notice of Proposal in Your Neighborhood* was mailed on February 21, 2013. One written comment in response to the proposal has been received. The comment was received from Dean Gisvold, Chairperson of the Land Use Committee of the Irvington Neighborhood Association. It was received on March 12, 2013. It stated that the Irvington Neighborhood Association has no objections to the proposal. Exhibit F-1 contains more information.

ZONING CODE APPROVAL CRITERIA

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 a designated Historic/Conservation Landmark. Therefore the proposal requires historic design review approval. The relevant approval criteria are listed in 33.846.060 G. 1.-10.

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 for 1: The house is classified as a Non-contributing Resource in the Irvington Historic District. There are no historic materials associated with the house. There are no features or spaces that contribute to historic significance. The historic character of the District will be essentially unaltered by the new basement window and the expansion of the existing dormer. The new basement window is in a low-profile location on a non-street-facing façade. The dormer expansion is located on the rear façade, where it will be difficult to view from the street. *Therefore 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.

Findings for 8: The new egress window is located on the south façade, which does not face the street. The new window will be located near the east edge of the façade, which is toward the rear of the site, a considerable distance from NE 11th Avenue. This location on the house, in addition to the window's small size and location at the basement level, make it a low-profile alteration that is compatible with the overall house.

The expansion of the existing dormer will occur on the rear façade, facing the rear yard of the subject property. The rear façade is over 60'-0" from the front property line. The expanded dormer will be difficult to view from the street, and thus will not adversely affect views of the home. The new portion of the dormer will match the existing dormer with respect to materials, scale, proportions, and roof pitch. The new portion will have the same wood lap siding and asphalt-composite shingles. The window to be located on the new portion will be a one-over-one wood window, to match the existing windows on the dormer. Its header and sill will be aligned with those of the existing windows on the dormer.

Therefore this criterion is met.

9. Preserve the form and integrity of historic resources.

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

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 9 and 10: The new window is sized and scaled appropriately for the basement level of the house. It will be located on the south façade, which does not face the street. It will be located near the east edge of the façade, which is toward the rear of the site, a considerable distance from NE 11th Avenue. Only the very upper portion of the window will be viewable, as the remainder of it will be below-grade and concealed by the associated window well. Thus it comprises a low-profile addition that is compatible with the house and the Irvington Historic District.

The new portion of the dormer will match the existing dormer with respect to materials, scale, proportions, and roof pitch. It will be located on the rear façade, which is over 60'-0" from the front property line. Given that the new portion of the dormer will match the existing dormer, and given its inconspicuous location where it will not affect views of the house from NE 11th Avenue, the expanded dormer is compatible with the house and the Irvington Historic District.

If the new basement window or the new portion of the dormer is removed in the future, neither the house nor the District will be adversely affected.

Therefore 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 proposal will have no adverse effect on the historic character of the Irvington Historic District. The new basement window will be in a low-profile location on a side façade, and the proposed dormer expansion will occur on the rear façade. These locations are minimally visible from the street. The purpose of the historic design review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of historic resources. The proposal meets the applicable Historic Design Review approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the following exterior alterations to the existing single-family home at 2606 NE 11th Avenue, which is classified as non-contributing in the Irvington Historic District:

- 1 new vinyl egress window located at the basement level on the south façade; and
- Expansion of existing shed dormer located on rear façade, with horizontal wood lap siding and 1 wood one-over-one window.

Approval per the approved plans and drawings, Exhibits C-1 through C-5, signed and dated March 20, 2013, subject to the following condition:

- A. As part of the building permit application submittal, each of the four 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 13-115824 HDZ. No field changes allowed."

Staff Planner: Kate Marcello

Decision rendered by:  on March 20, 2013
By authority of the Director of the Bureau of Development Services

Decision mailed: March 22, 2013

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 February 13, 2013, and was determined to be complete on February 15, 2013.

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 February 13, 2013.

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 extended by the applicant, **the 120 days will expire on June 17, 2013.**

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 April 5, 2013** 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 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 **April 8, 2013**.
- 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.

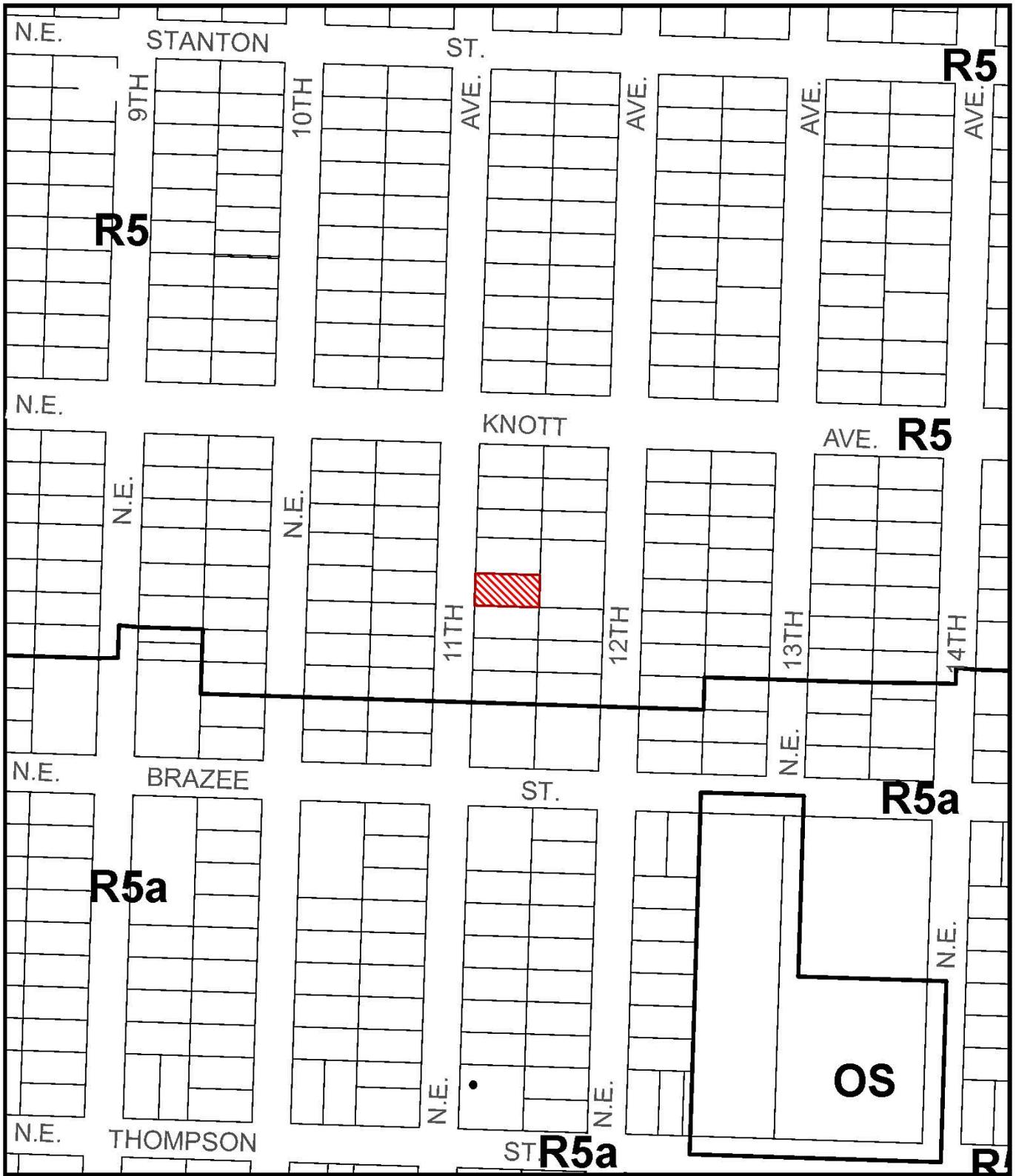
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement/Narrative
- B. Zoning Map (attached)
- C. Plans and Drawings:
 - 1. Site Plan (attached)
 - 2. North, South, East, and West Elevation Drawings (West and East attached)
 - 3. Section Drawings for New Window in Expanded Portion of Rear Dormer
 - 4. Enlarged South Elevation Drawing for Basement Egress Window
 - 5. Section Drawing for Basement Egress Window
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Response: None received.
- F. Correspondence
 - 1. Dean P. Gisvold, on behalf of the Irvington Neighborhood Association, received March 12, 2013; no objections
- G. Other

1. Original Land Use Review Application
2. Photographs from Google Maps

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



NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 13-115824 HDZ

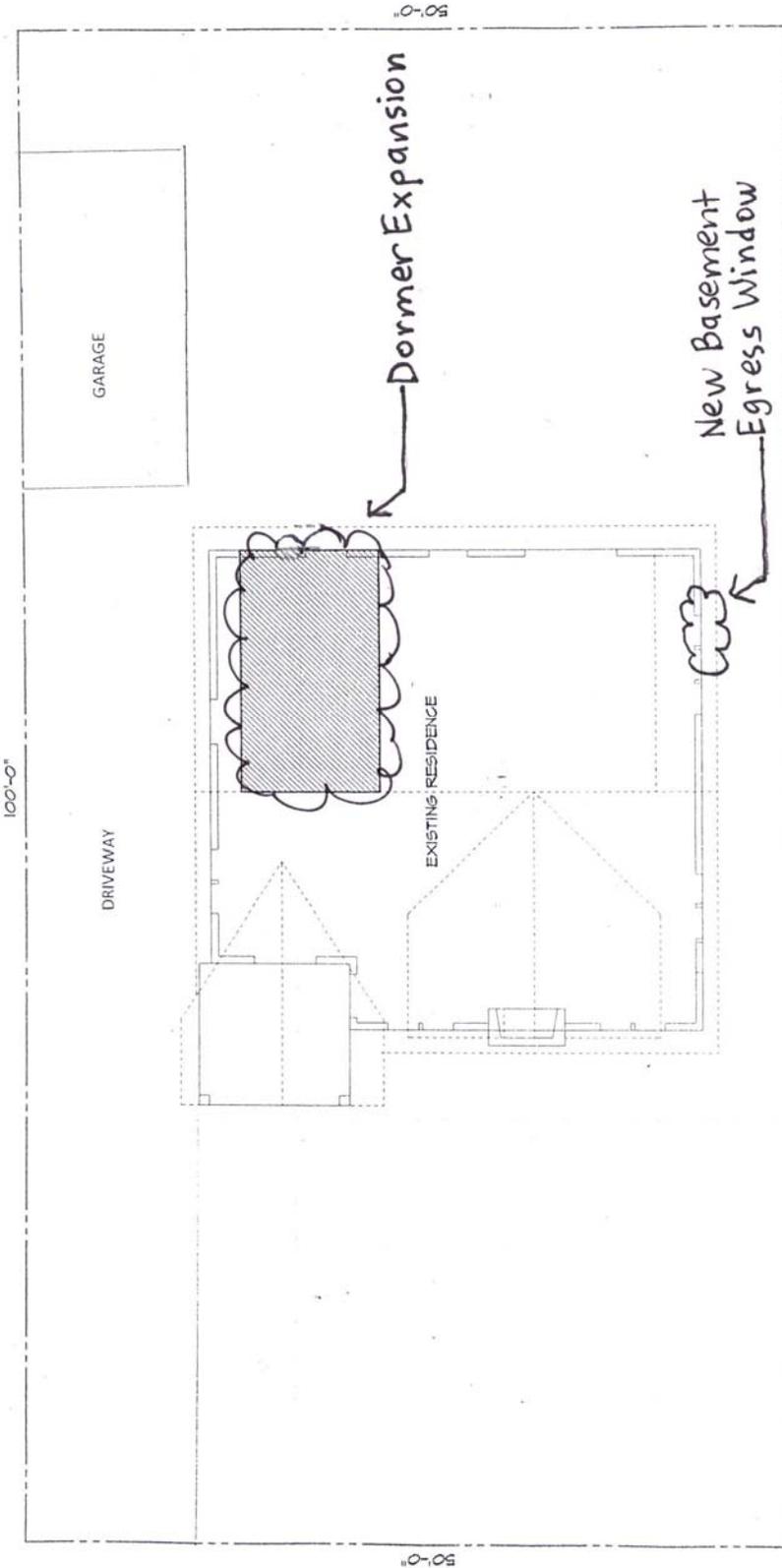
1/4 Section 2731

Scale 1 inch = 200 feet

State_Id 1N1E26BD 19500

Exhibit B (Feb 14, 2013)

Site Plan



NE 11th Avenue



SITE PLAN

THE SUBJECT PROPERTY IS LOCATED AT:
BLOCK 89, LOT 16, IRVINGTON

Case number: LU 13-115824 HDZ
2606 NE 11th Avenue

Scale: 1" = 10'-0"

Reduced sheet size. Scale is for 11x17-size sheet.

Approved

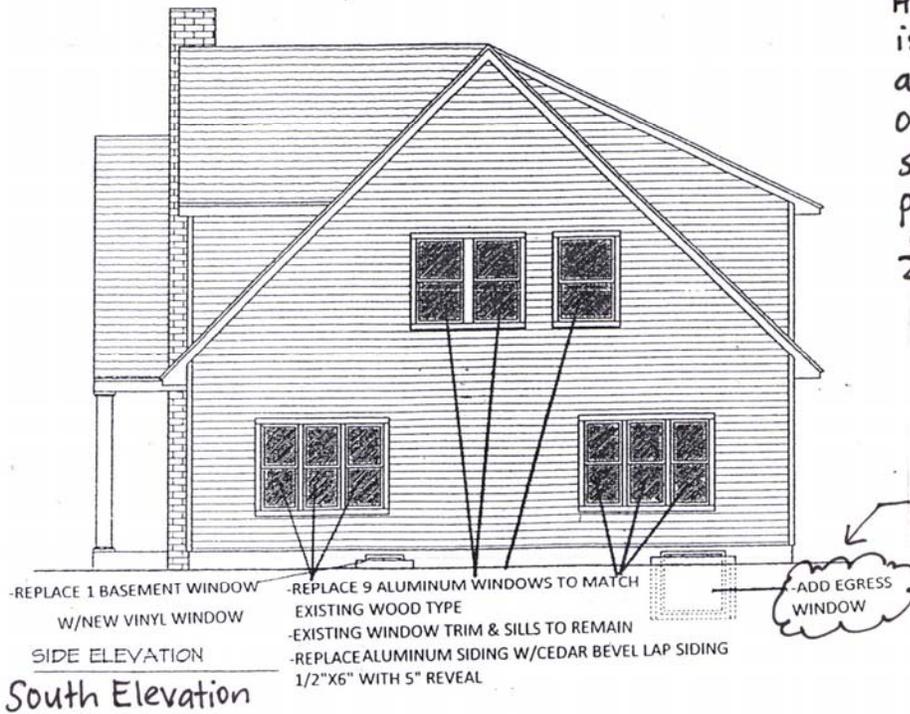
City of Portland - Bureau of Development Services

Planner *Kyle* Date March 20, 2013

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

Case #: LU 13-115824 HDZ 2606 NE 11th Avenue

Historic Design Review is for egress window and dormer expansion only. All other work shown is exempt per 33.445.320.B. of the Portland Zoning Code.



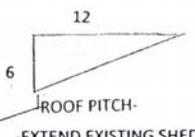
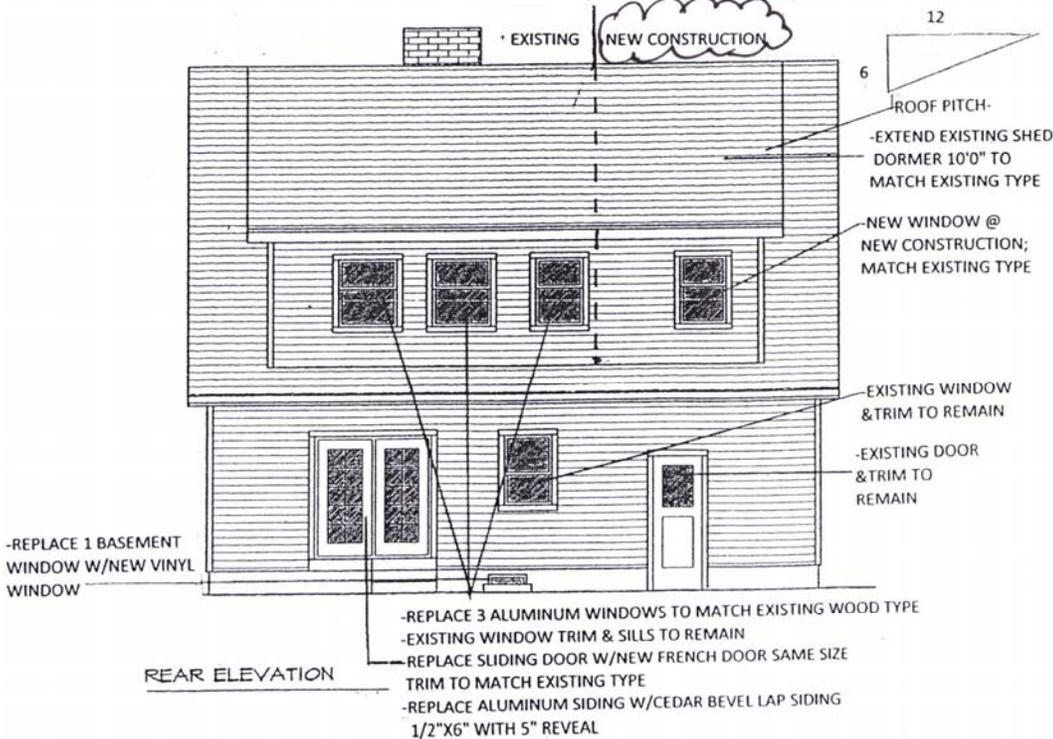
Subject to Historic Design Review

- REPLACE 1 BASEMENT WINDOW W/NEW VINYL WINDOW
- REPLACE 9 ALUMINUM WINDOWS TO MATCH EXISTING WOOD TYPE
- EXISTING WINDOW TRIM & SILLS TO REMAIN
- REPLACE ALUMINUM SIDING W/CEDAR BEVEL LAP SIDING 1/2"X6" WITH 5" REVEAL

SIDE ELEVATION
South Elevation

-ADD EGRESS WINDOW

subject to Historic Design Review



ROOF PITCH:
-EXTEND EXISTING SHED DORMER 10'0" TO MATCH EXISTING TYPE

NEW WINDOW @ NEW CONSTRUCTION; MATCH EXISTING TYPE

EXISTING WINDOW & TRIM TO REMAIN

EXISTING DOOR & TRIM TO REMAIN

-REPLACE 1 BASEMENT WINDOW W/NEW VINYL WINDOW

- REPLACE 3 ALUMINUM WINDOWS TO MATCH EXISTING WOOD TYPE
- EXISTING WINDOW TRIM & SILLS TO REMAIN
- REPLACE SLIDING DOOR W/NEW FRENCH DOOR SAME SIZE TRIM TO MATCH EXISTING TYPE
- REPLACE ALUMINUM SIDING W/CEDAR BEVEL LAP SIDING 1/2"X6" WITH 5" REVEAL

REAR ELEVATION

Approved

City of Portland - Bureau of Development Services

Planner *Katje* Date *March 20, 2013*

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

Scale: 1/8" = 1'-0" Reduced sheet size. Scale is for 11x17-size sheet.