



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: April 24, 2014
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 14-114478 HR – EXTERIOR ALTERATIONS

GENERAL INFORMATION

Owner: Robert Ambes
PO Box 12601
Portland, OR 97212-0601

Applicant: Thomas Johnson 503-679-3047
Thomas Johnson Architect
821 NW Flanders Street Suite 210
Portland OR 97209

Site Address: 2334 NE 27th Avenue

Legal Description: TL 9900 0.14 ACRES, SECTION 25 1N 1E
Tax Account No.: R941250200
State ID No.: 1N1E25CB 09900
Quarter Section: 2833
Neighborhood: Grant Park, contact Ken Peterson at gpnalanduse@gmail.com.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Claire Adamsick at 503-388-9030.

Other Designations: Contributing resource in the Irvington Historic District, which was listed in the National Register of Historic Places on October 22, 2010.

Zoning: R5, Single-dwelling residential 5000 with Historic Resource Overlay
Case Type: HR, Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant is seeking Historic Resource Review approval for a proposal to make the following exterior alterations:

- replace two existing attic windows in the front and rear dormer gable ends with slightly larger windows to accommodate emergency egress;
- replace the existing non-historic paired front porch support posts with single box columns more sympathetic to the style of the house;
- install new concrete steps and metal handrail at the front of the porch;
- replace the rear door with a pair of French doors opening onto a new deck with steps and railings;
- close an external basement door and install a new window in the new foundation wall;
- install two small skylights in the side slopes of the main roof to the rear of the two side-facing dormers;
- replace a non-historic aluminum window on the north side with a new wood window;
- close a window opening toward the rear of the south side of the house with shingle siding to match the existing; and construct a new garage in the northeast corner of the lot with a footprint of approximately 260 square feet.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations in a historic district.

Approval Criteria:

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

- 33.846.060 G. Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject property, a story-and-half Craftsman Style house, was built in 1910. The National Register of Historic Places documentation for the Irvington Historic District evaluates the building as a contributing resource within the historic context.

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 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 March 21, 2014.

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

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

- Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, wrote on April 11 and 16, 2014, with objection to the proposed gable extension of the roof, because it would change the basic form of the house.

Staff Response: Staff conveyed ICA comments to the applicant, who then decided to forego the roof extension part of the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

Requests for Historic Resource 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 Resource 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: As revised, the proposal retains the historic form of the house as well as all the surviving significant historic elements. Although it does not reinstate a known historic condition, the replacement of the existing non-historic and out-of-character front porch posts with a pair of box columns, will greatly improve the public view of the property. *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: The proposed alterations fall into three categories: reversal of unsympathetic earlier changes; accommodations for emergency exiting; and small additions or changes that are not readily visible to the public. Items falling into the first category include replacement of the paired non-historic front porch roof supports with more traditional box columns and the elimination of aluminum windows in favor of wooden ones. The changes related to emergency exiting involve replacing existing front and rear attic windows with slightly large units that display the same upper sash light division patterns as the historic ones. The minor alterations that are generally out of view from the public point of view include new French doors on the rear facade, closure of an existing basement access door that opens into the back yard, construction of a new garage, and a new deck. The porch columns and aluminum window change are compatible with the resource and the district because they enhance historic character, and the other proposed alterations are compatible by virtue of their small scale and inconspicuousness. *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 purpose of the Historic Resource 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 Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations on a contributing resource in the Irvington Historic District;

Approval is per Exhibits C-1 through C-12, signed and dated April 21, 2014, 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-12. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-114478 HR. No field changes allowed."

Staff Planner: Dave Skilton

Decision rendered by:  **on April 21, 2014.**

By authority of the Director of the Bureau of Development Services

Decision mailed: April 24, 2014

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 6, 2014, and was determined to be complete on **March 18, 2014**.

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 6, 2014.

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 May 8, 2014** 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 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, 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 **May 9, 2014**.
- 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. West Elevation (attached)
3. North Elevation (attached)
4. South Elevation
5. Existing and Proposed East Elevations (attached)
6. Front Porch Column Elevation
7. Partial East and Proposed Deck Elevation
8. Proposed Deck Rail Section
9. Proposed Garage Elevations
10. New Window Details
11. Existing and Proposed Window Sections
12. Garage Door Information

D. Notification information:

1. Mailing list
2. Mailed notice

E. Agency Responses:

1. Life Safety Review Section of BDS

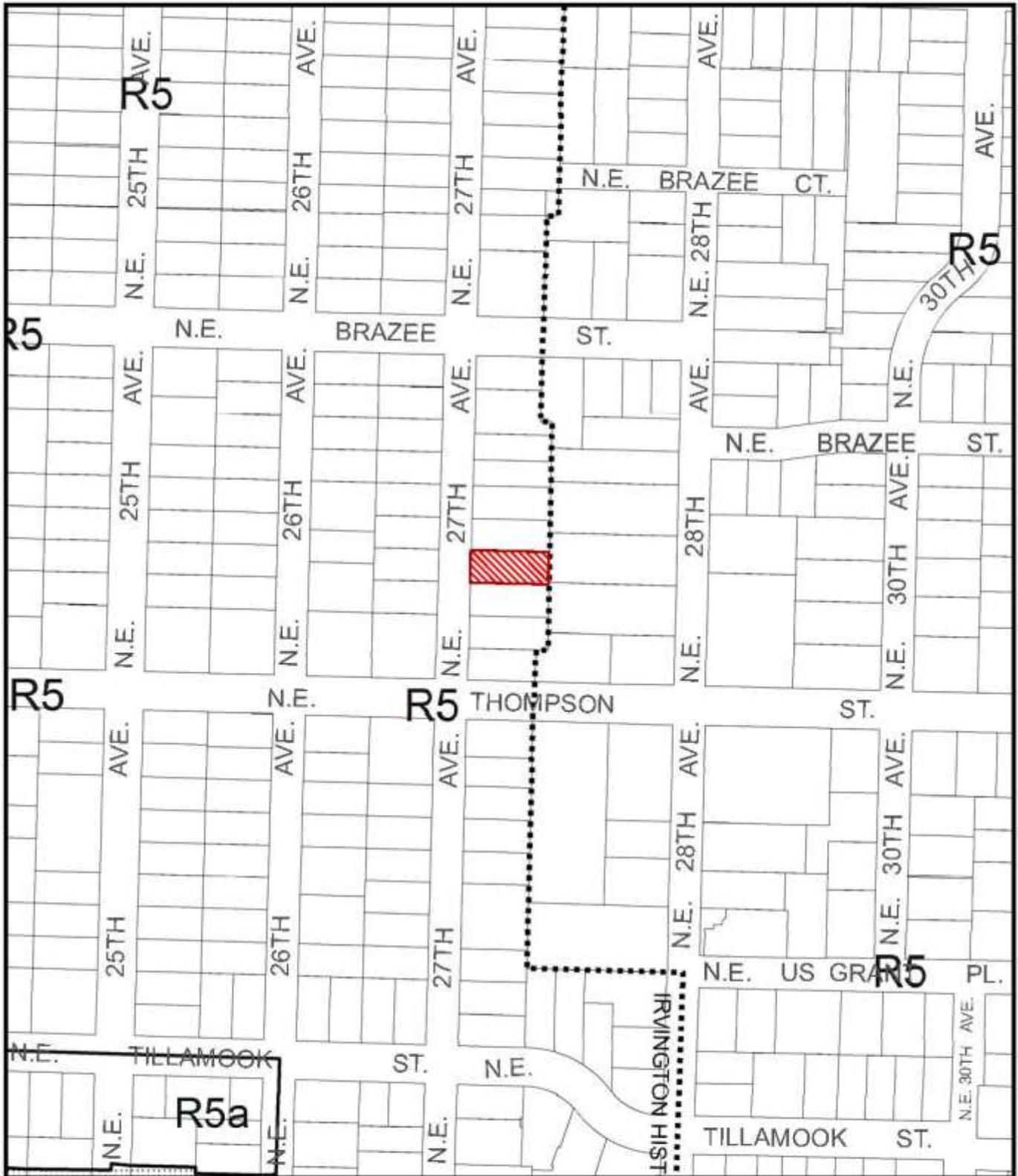
F. Correspondence:

1. Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, wrote on April 11, 2014, with objection to the proposed treatment of the roof, because it would change the basic form of the house.
2. Dean Gisvold, on behalf of the Irvington Community Association Land Use Committee, wrote on April 16, 2014, with continued objection to the proposed treatment of the roof, because it would change the basic form of the house.

G. Other:

1. Original LU Application

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



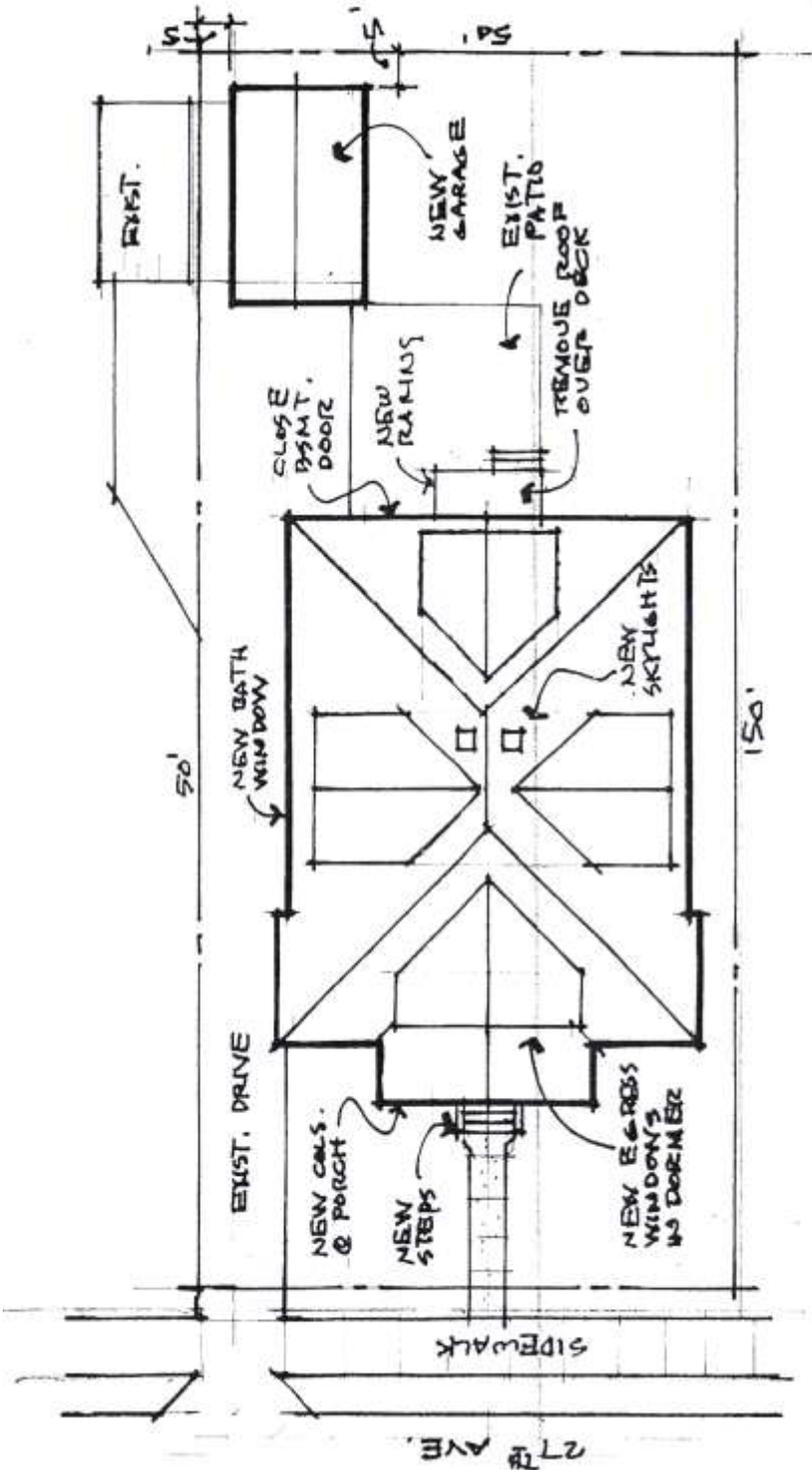
NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 14-114478 HR
 1/4 Section 2833
 Scale 1 inch = 200 feet
 State_Id 1N1E25CB 9900
 Exhibit B (Feb 12, 2014)

THOMAS
JOHNSON
ARCHITECT

Approved
City of Portland - Bureau of Development Services
Planner: *Dave Fuller* Date: *4.21.14*
* This approval applies only to the reviews requested and is subject to all
city rules of approval. Additional zoning requirements may apply.



SITE PLAN
NTS

1-2



5
WEST ELEVATION
3/16" = 1'-0"
REV. 4-17-14

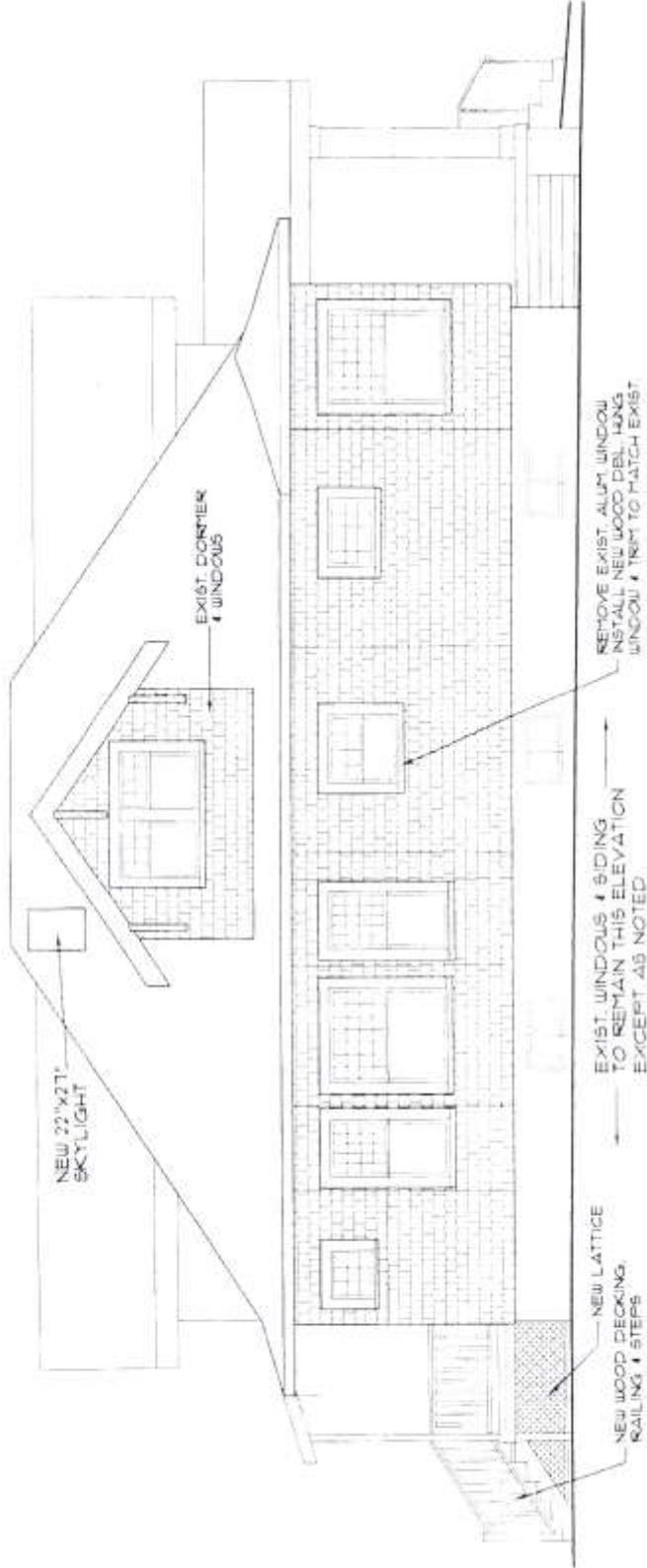
Approved

City of Portland - Bureau of Development Services

Planner Dave Shelton Date 4.21.14

* This approval applies only to the reviews requested and is subject to all other applicable codes and regulations. Additional zoning requirements may apply.

C-2

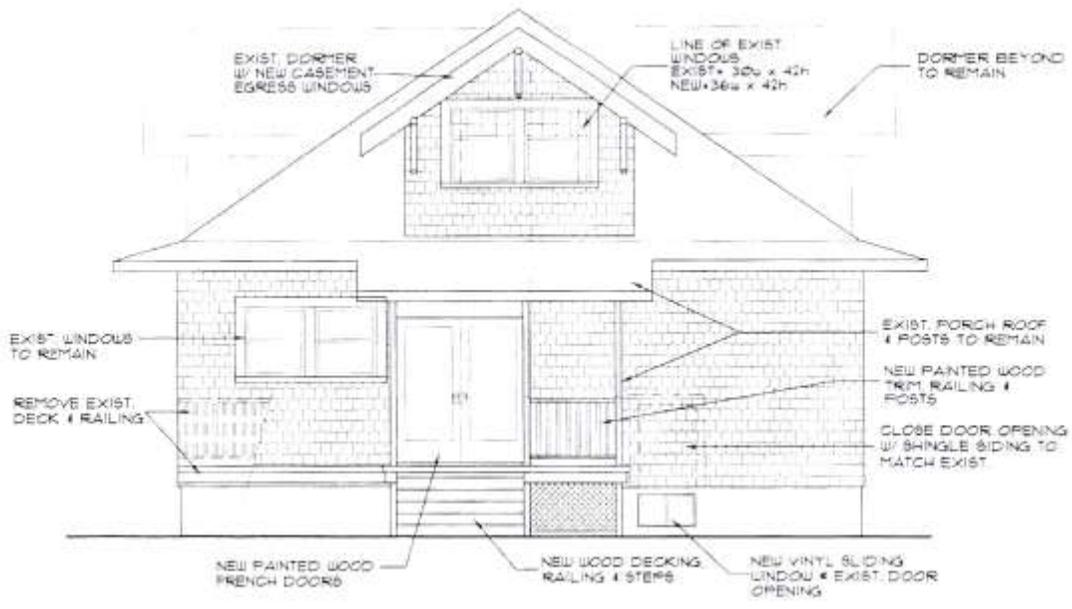


3 NORTH ELEVATION

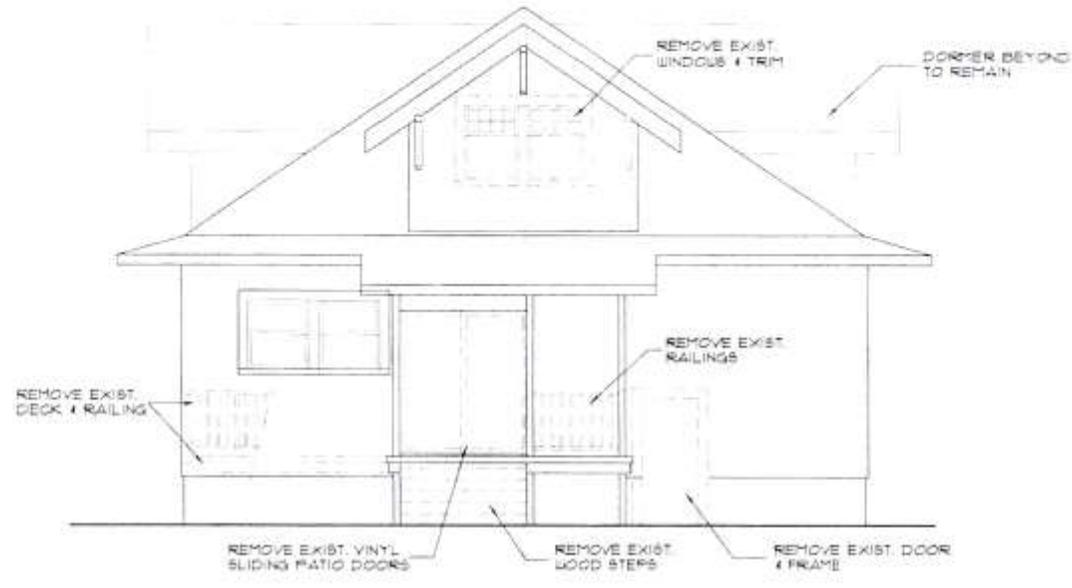
3/16"=1'-0" REV. 4-17-14

Approved: _____
 City of Portland - Bureau of Development Services
 Planner: *Dave Shelton* Date: *4.21.14*
 This approval applies only to the reviews requested and is subject to all
 applicable codes and zoning requirements. Additional zoning requirements may apply.

C-3



4 EAST ELEVATION-NEW
 3/16" = 1'-0" REV. 4-11-14



4 EAST ELEVATION-DEMO
 3/16" = 1'-0" REV. 4-11-14

Approved

City of Portland - Bureau of Development Services

Planner Dave Phillips Date 7.21.14

This approval applies only to the reviews requested and is subject to all applicable codes and permit requirements that may apply.

C-5