



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** June 14, 2016  
**To:** Interested Person  
**From:** Puja Bhutani, Land Use Services  
503-823-7226 / [Puja.Bhutani@portlandoregon.gov](mailto:Puja.Bhutani@portlandoregon.gov)

## **NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has a approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. 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 16-160157 HR- RELOCATE REAR DOOR.**

#### **GENERAL INFORMATION**

**Applicant:** Bianca McKelvy, Applicant  
Arciform  
2303 N Randolph Avenue  
Portland, OR 97227

Jeffrey Kelly, Designer  
Arciform  
2303 N Randolph Avenue  
Portland, OR 97227

Brittany Young, Owner  
3405 NE 21st Avenue  
Portland, OR 97212

Whitney Young, Owner  
3405 NE 21st Avenue  
Portland, OR 97212

**Site Address:** 3405 NE 21ST AVENUE  
**Legal Description:** BLOCK 28 LOT 5, IRVINGTON  
**Tax Account No.:** R420405980  
**State ID No.:** 1N1E26AA 05100  
**Quarter Section:** 2732  
**Neighborhood:** Sabin Community Assoc., contact Rachel Lee at 503-964-8417; Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.

**District Coalition:** Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.

**Other Designations:** Contributing Resource in the Irvington Historic District

**Zoning:** R5, Single Dwelling Residential 5000

**Case Type:** HR, Historic Resource Review

**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:**

The proposal is to repair and relocate the existing door on the rear elevation of the residence. The door will be moved approximately 12 inches to the north to accommodate new interior stairs, and will maintain the same header height.

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

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code. The relevant approval criteria are:

- 33.846 Historic Resource Review
- 33.846.060 G Other Approval Criteria

**ANALYSIS**

**Site and Vicinity:** The subject single family residence sits on a 5,000-square-foot mid-block site in the Irvington Historic District. It is a contributing resource consisting of a 1.5-story house build in a horizontal board English cottage style. It is located between NE Fremont Street (to the north) and NE Klickitat Street (to the south) and NE 21<sup>st</sup> Street (to the west) and NE 20<sup>th</sup> Street (to the east).

Platted in the late Nineteenth Century, today's Irvington Historic District 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 the Residential 5,000 (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.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **May 25, 2016**.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **May 25, 2016**. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, ICA Land Use Committee, 5/31/2016, responded with a letter of no objection. Refer to exhibit F1.
2. Rachel Lee, Chair, Sabin Land Use & Transportation Committee, responded with a letter in support of the proposal. Refer to exhibit F2.

## **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.*

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.
5. **Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

**Findings for 1, 2 & 5:** The proposal is to repair and relocate the existing door on the rear elevation of the residence. The door will be moved approximately 12 inches to the north to accommodate new interior stairs, and will maintain the same header height. There are no other changes being proposed and no conjectural features being added the house. The relocation of the door will maintain the historic character of the house, and existing casing and jambs will be reused for the door. *These criteria are therefore 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.
8. **Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with

disabilities, design solutions will not compromise the architectural integrity of the historic resource.

**9. 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 4, 8, 9 & 10:** The applicants are proposing to repair and reinstall the existing door in a location that is approximately 12 inches to the north. The door will be moved only as far to the north as necessary, to allow the internal basement stairs to be rebuilt to meeting building code. The existing door header height will be maintained, and the door casing, jamb and trim will be re-used. The depth at which the door sits in the wall will match the existing location. Existing siding will be reused to the extent possible, and new siding will match the existing siding on the house. The removal of the door will not impact the essential form and integrity of the existing house, and will be consistent its character, and that of the adjacent properties and the historic district. *These criteria are therefore met.*

## **DEVELOPMENT STANDARDS**

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

## **CONCLUSIONS**

The proposed relocation of the existing door will be compatible with the historic character of the house. 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 the proposal to repair and relocate the existing door on the rear elevation of the residence. The door will be moved approximately 12 inches to the north to accommodate new interior stairs, and will maintain the same header height per the approved site plans, Exhibits C-1 through C-5, signed and dated June 10, 2016, subject to the following conditions:

- 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-C.5. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-160157 HR. No field changes allowed."

**Staff Planner: Puja Bhutani**

Decision rendered by:  on (June 10, 2016.)  
By authority of the Director of the Bureau of Development Services

**Decision mailed (within 5 days of dec.) June 14, 2016**

**Procedural Information.** The application for this land use review was submitted on April 25, 2016, and was determined to be complete on May 19, 2016.

*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 April 25, 2016.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. (Unless further extended by the applicant, **the 120 days will expire on: September 16, 2016.**)

**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.

**This decision, and any conditions associated with it, is final.** It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at [www.portlandonline.com](http://www.portlandonline.com).

**Recording the final decision.**

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **June 14, 2016**.

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 503-823-7617.

**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 for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

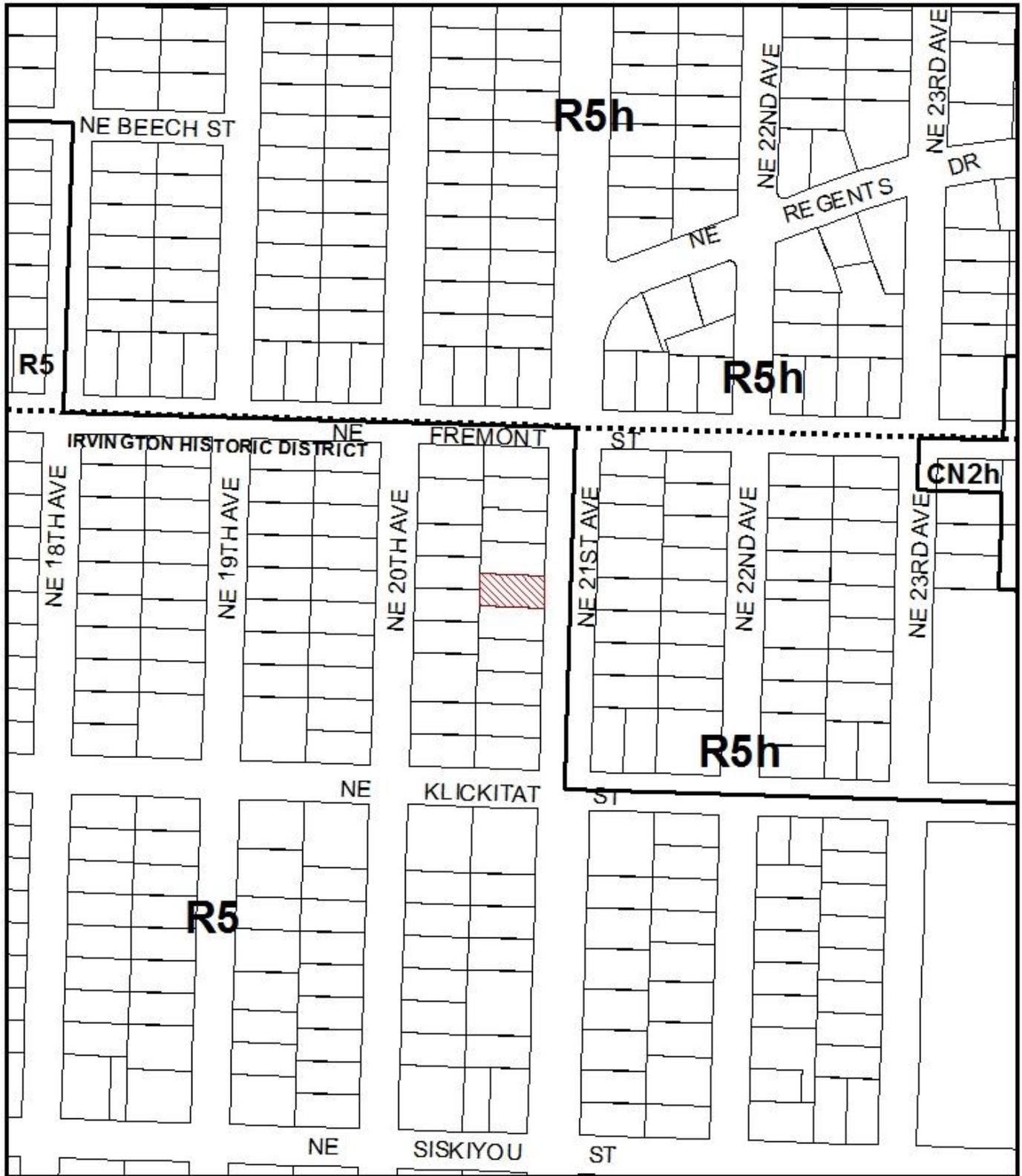
**EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
  1. Original applicant narrative
  2. Site photographs
  3. Original drawings- NOT APPROVED, FOR REFERENCE ONLY.
  4. Revised Narrative
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. Existing west elevation
  3. Proposed west elevation (attached)
  4. Floor plan and section
  5. Existing and proposed door section
- D. Notification information:
  1. Mailing list
  2. Mailed notice

- E. Agency Responses: No responses were received.
- F. Correspondence:
  - 1. Dean Gisvold, ICA Land Use Committee, 5/31/2016, responded with a letter of no objection.
  - 2. Rachel Lee, Chair, Sabin Land Use & Transportation Committee, responded with a letter in support of the proposal
- G. Other:
  - 1. Original LU Application
  - 2. Incomplete letter, send on 5/17/2016

**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).**



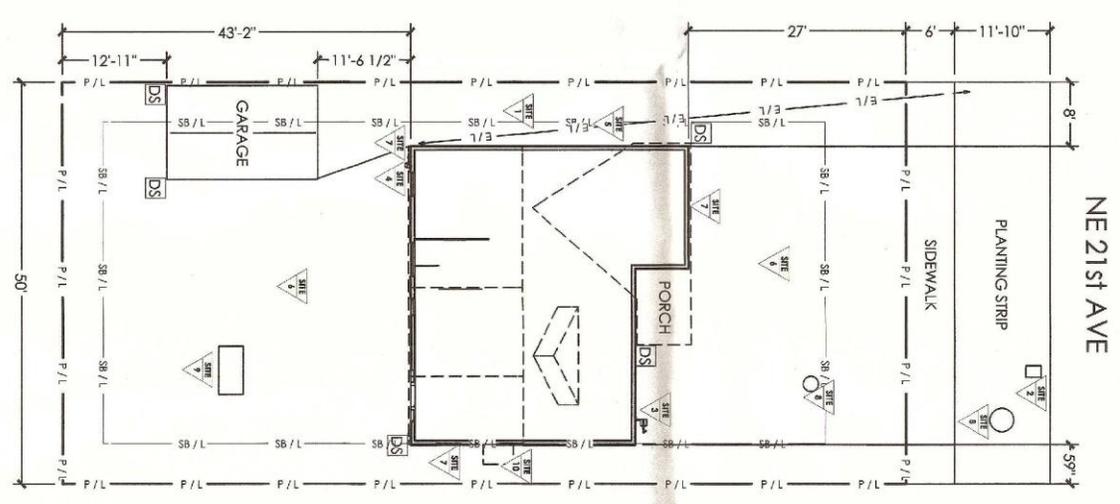
# ZONING

This site lies within the:  
IRVINGTON HISTORIC DISTRICT



File No.	LU 16-160157 HR
1/4 Section	2732
Scale	1 inch = 200 feet
State_Id	1N1E26AA 5100
Exhibit	B (Apr 27, 2016)

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



**\*Approved\***  
City of Portland  
Bureau of Development Services  
Planner: Ally  
Date: 01/20/16  
\* This approval applies only to the review requested and is subject to all additional code requirements that may apply.

PRELIMINARY - NOT FOR CONSTRUCTION

16-160157 HRC

EXHIBIT C.A.

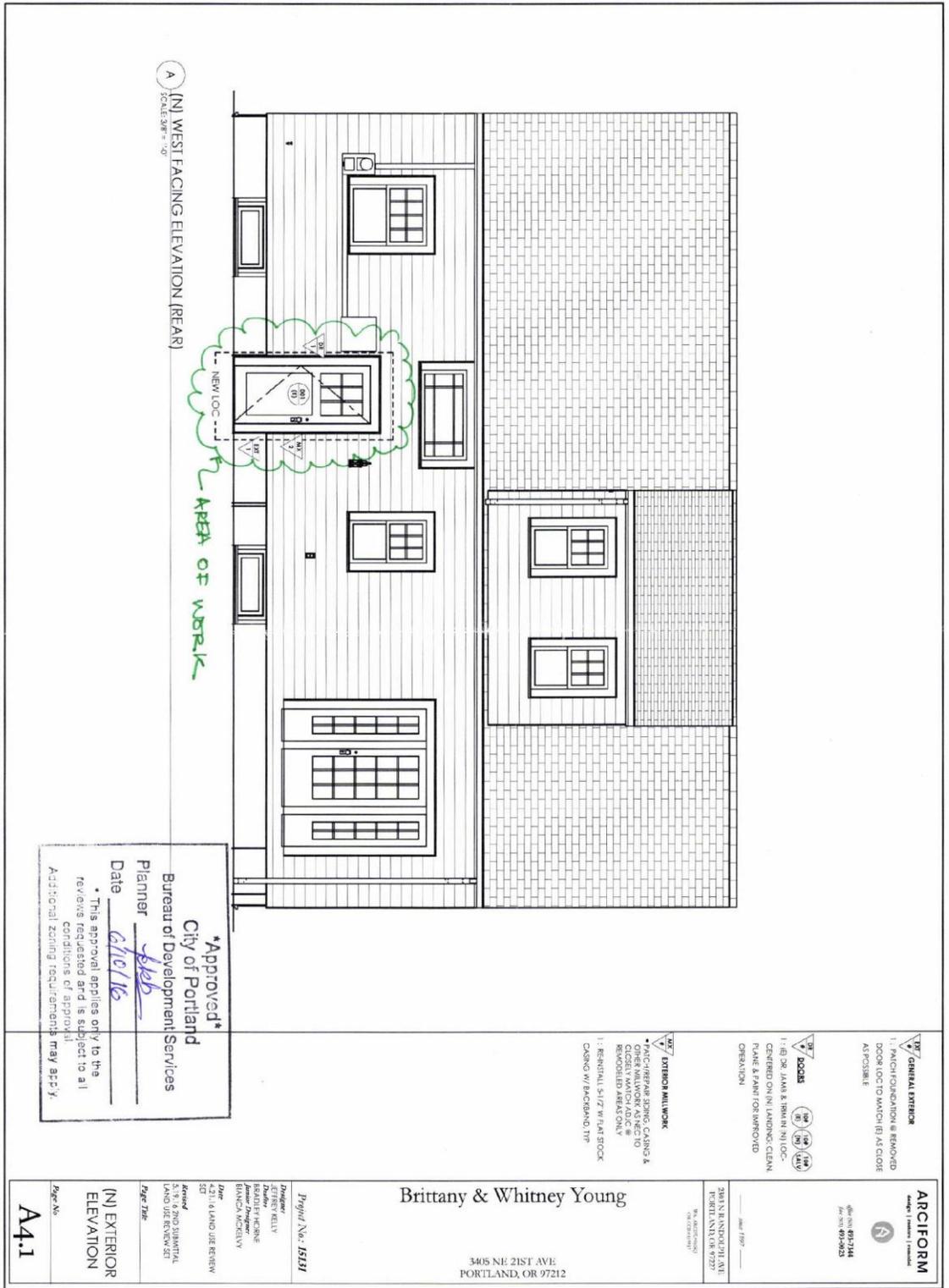
ZONING	R5
(E) LOT COVERAGE:	1341 SF
(M) LOT COVERAGE:	1241 SF
(E) IMPERMEABLE SURFACES:	900 SF
ALLOWED IMPERMEABLE SURFACES:	3000 SF
(E) HEIGHT:	23'-0"
ALLOWED HEIGHT:	30'-0"
(M) HEIGHT:	23'-0"

- SITE**
- 1: DRIVE WAY
  - 2: WATER METER
  - 3: GAS METER
  - 4: ELECTRICAL METER
  - 5: OVERHEAD CONNECTION FROM POLE TO REC METER
  - 6: LAWN
  - 7: HOSE BIB
  - 8: TREE
  - 9: OUTDOOR FIREPLACE
  - 10: WINDOW WELL FOR EGRESS WIN

**SITE LEGEND**

[Symbol]	ADDITION
[Symbol]	PROPERTY LINE
[Symbol]	SET BACK LINE
[Symbol]	WATER LINE
[Symbol]	SEWER LINE
[Symbol]	GAS LINE
[Symbol]	OVERHEAD ELEC
[Symbol]	DOWN SPOUT

<b>ARCIFORM</b> Adapt   Preserve   Revitalize 800-231-7344 500 SW 9th Street, Portland, OR 97205		1600 1997 2001 N BANNING ST AVE PORTLAND, OR 97227 503-241-8888 503-241-8889	
<b>Brittany &amp; Whitney Young</b> 3405 NE 21ST AVE PORTLAND, OR 97212		Project No.: <b>15131</b> Designer: <b>JEFFREY KELLY</b> Checker: <b>JEFFREY KELLY</b> Project Director: <b>BRANCA MCELVEY</b> Date: <b>1/16/16</b> LAND USE REVIEW SET Date: <b>1/16/16</b> LAND USE REVIEW SET Reviewed: <b>KAROLYN CONSTRUCTION SET</b> Page 7 of 8	
<b>SITE PLAN</b> Page No.		<b>SP</b>	



Printed @ half scale/ not to scale

PRELIMINARY - NOT FOR CONSTRUCTION

**\*Approved\***  
 City of Portland  
 Bureau of Development Services  
 Planner Feb  
 Date 4/11/16

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

**GENERAL EXTERIOR**  
 1. FINISH ELEVATION & REMOVED DOOR LOC TO MATCH REAR ELEVATION AS POSSIBLE

**DOORS**  
 1. REAR JAMB & TRIM IN LOC. CENTERED ON IN-LANDING. CLEAN FINISH & PAINT FOR IMPROVED OPERATION

**EXTERIOR NETWORK**  
 1. FINISH REAR SPONGE COATING & PAINT TO MATCH ADJACENT CLOSELY MATCH ADJACENT REMODELED AREAS ONLY  
 1. REFINISH 1/2" WITH STOCK CASING W/ BACKBAND TYP

<p><b>ARCIFORM</b>          Made in Portland, Oregon  <b>A</b>          400 NW 8TH AVE          PORTLAND, OR 97208          503.227.8000</p>	<p>3405 NE 21ST AVE          PORTLAND, OR 97212</p>	<p>Project No. <b>1511</b></p> <p>Designer: <b>TRISTAN KELLY</b>          Drafter: <b>BRADLEY HENNE</b>          Checker: <b>BRADLEY HENNE</b>          Designer: <b>BRADLEY HENNE</b>          Designer: <b>BRADLEY HENNE</b></p> <p>Date: <b>4.21.16</b> LAND USE REVIEW          SET</p> <p>Approved: <b>3/17/16</b> PROVISIONAL          LAND USE REVIEW SET</p> <p>Page No. <b>A4.1</b></p>	<p><b>Brittany &amp; Whitney Young</b></p> <p><b>(N) EXTERIOR ELEVATION</b></p>
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EXHIBIT C3