



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

FROM CONCEPT TO CONSTRUCTION

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Date: September 13, 2016
To: Interested Person
From: Mike Gushard, Land Use Services
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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 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 16-129973 HR - RELOCATION OF A CONTRIBUTING HOUSE IN IRVINGTON HISTORIC DISTRICT

GENERAL INFORMATION

Applicant: Laurena and Gregory Perrin
3042 NE 45th Ave
Portland, OR 97213

Geoff Wright, Emerio Design
8205 SW Nimbus Ave Suite 180
Beaverton, OR 97008

Site Address: 2440 NE 11TH AVE

Legal Description: BLOCK 90 LOT 19&20, IRVINGTON
Tax Account No.: R420421010
State ID No.: 1N1E26CA 06100
Quarter Section: 2831

Neighborhood: 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 –Irvington Historic District

Zoning: R5a – Residential 5,000 with alternative density layer

Case Type: HR – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

PROPOSAL:

The proposal includes moving a house several feet toward NE Brazee Street. This would include the removal of a 1960s carport and a non-historic deck. The project also impacts a garage that

appears to be from the district's period of significance but has had a large addition appended to the rear of the garage. The applicant proposes removing this addition to provide space for the relocated house. The application also proposes removal of a dead tree and repairs to the eaves and rafter of the house. The proposal calls for the character defining stone features of the house to be retained.

RELEVANT APPROVAL CRITERIA:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- 33.846.060.G – Historic Resource Review

ANALYSIS

Site and Vicinity: The subject resource is identified as the J.A. Jennings house in the National Register nomination documentation for the Irvington Historic District. It is a rambling bungalow with massive river rock piers, wide gable and a garage with matching features. The house on the lot is listed as a contributing resource to the district. It was constructed in 1910.

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 a 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-foot 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 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 protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

The purpose of the Alternative Design Density Overlay Zone is to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and

supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

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

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **July 26, 2016**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Water Bureau
- Fire Bureau
- Site Development Section of BDS
- The Bureau of Transportation Engineering

Life Safety Section of BDS responded with the following comment: Buildings on the same lot shall be assumed to have an imaginary property line somewhere between them. Both exterior walls within 3 feet of the other shall be one hour fire-rated with no openings. Please see Exhibit E-1 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on July 26, 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, Irvington Community Association, August 15, 2016: ICA felt the applicant went above and beyond to meet the committees concerns. They are impressed with the applicant’s attention to detail and preservation and they realize that a new lot may be created and new construction will be under a separate review.
2. Michael Bales, July 28, 2016: Concerned about building on potential new lot.
Staff Response: Any new construction will require a separate historic resource review.

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 a 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.
2. **Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.

3. **Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
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.
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.
6. **Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.
7. **Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
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 1-10:

The proposed move will not alter the form, integrity or character of the contributing house or the Irvington District as a whole. The new of the house toward the garage and street is consistent with properties throughout the district. The craftsman style house has many key character defining features, including massive river rock column bases, a chimney of the same material, and a broad porch. These elements and all other elements essential to the form and integrity of the house will remain or be reconstituted after the move. The proposal includes the demolition of a 1960s carport. This feature is outside of the period of significance of the Irvington Historic District and does not possess the historic significance or design distinction to be eligible for the National Register in its own right. Removal of the feature will emphasize the historic association of the house with a similarly detailed garage on the property. No major new elements are proposed to the house which would require differentiation. There may be subsurface disturbance as part of the proposed work if any archaeological discovery is made, work will be stopped and the State Archeologist will be notified in accordance with Oregon Revised Statutes Chapter 358.905. *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 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. The move as proposed will not alter the character defining features, form or integrity of the historic house or the Irvington District. This proposal meets the applicable Historic Resource Review criteria and *therefore warrants approval*.

ADMINISTRATIVE DECISION

Approval of historic resource review to move a house on the same lot per the approved site plans, Exhibits C-1 through C-10, signed and August 31, 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.10. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-129973 HR . No field changes allowed."

Staff Planner: Mike Gushard



Decision rendered by: _____ **on August 31, 2016**

By authority of the Director of the Bureau of Development Services

Decision mailed: September 13, 2016

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 March 3, 2016, and was determined to be complete on July 7, 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 March 3, 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: November 4, 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.

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 September 27, 2016** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **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 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 **September 28th, 2016**
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034

For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Narrative Statement
 - 2. Arborist's Report
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Site Plan
 - 2. Proposed Site Plan (Attached)
 - 3. Existing Front and Left Elevation
 - 4. Existing Garage Elevations
 - 5. Existing Right Elevation with Carport
 - 6. Existing Left Elevation with Garage and Carport
 - 7. Proposed Elevations
 - 8. Proposed Garage Elevation
 - 9. Proposed Elevations with House and Garage Front and Right (attached)
 - 10. Proposed Left and Rear Elevation
- D. Notification information:
 - 1. Mailing list

2. Mailed notice

E. Agency Responses:

1. Life Safety Section of BDS
2. Bureau of Environmental Services
3. Bureau of Transportation Engineering and Development Review
4. Water Bureau
5. Fire Bureau
6. Site Development Review Section of BDS
7. Bureau of Parks, Forestry Division

F. Correspondence:

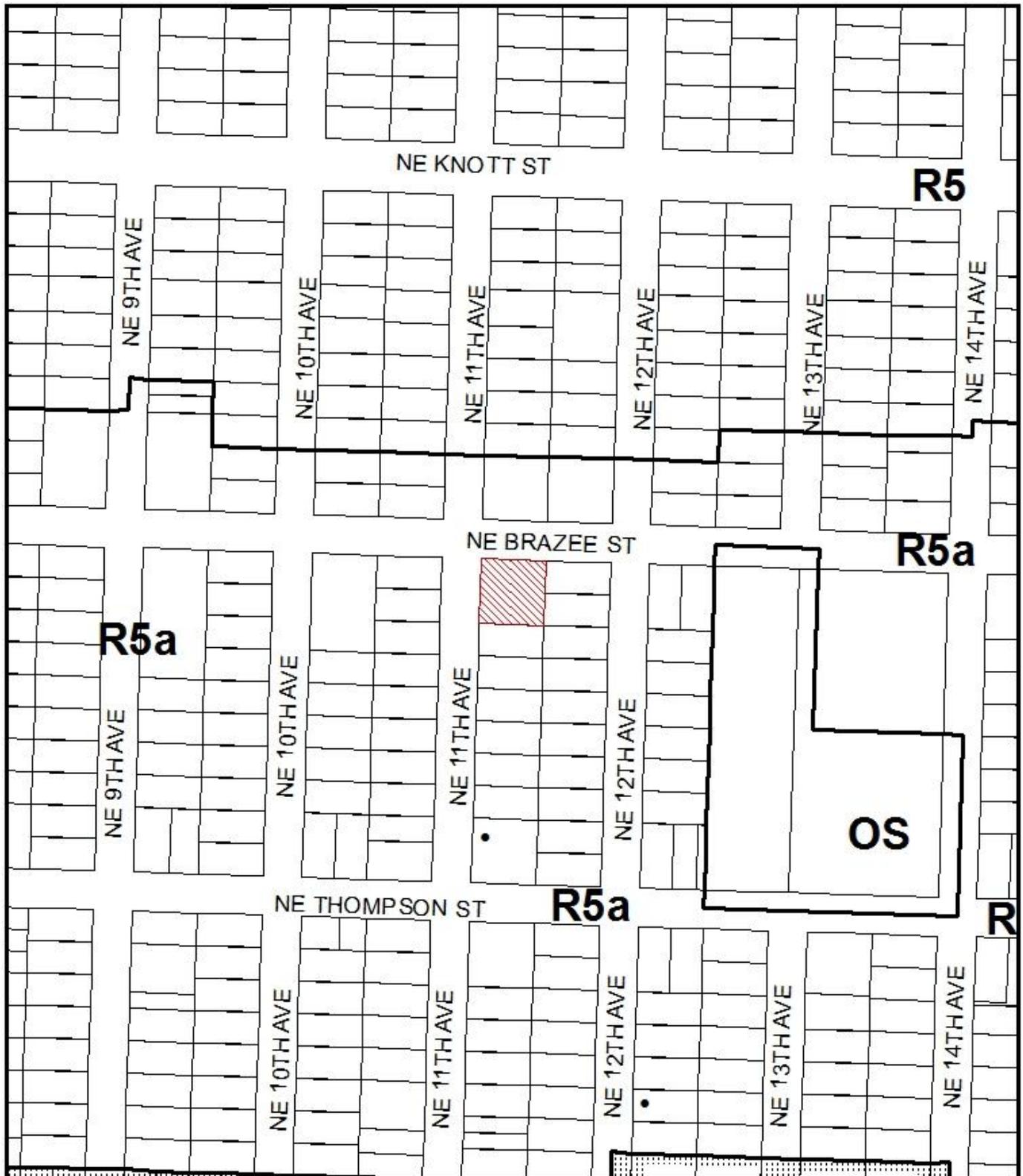
Use this format.

1. Dean Gisvold, August 15, 2016, appreciates applicant's attention to detail and preservation.
2. Michael Bales, July 28, 2016: Concerned about building on potential new lot.

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

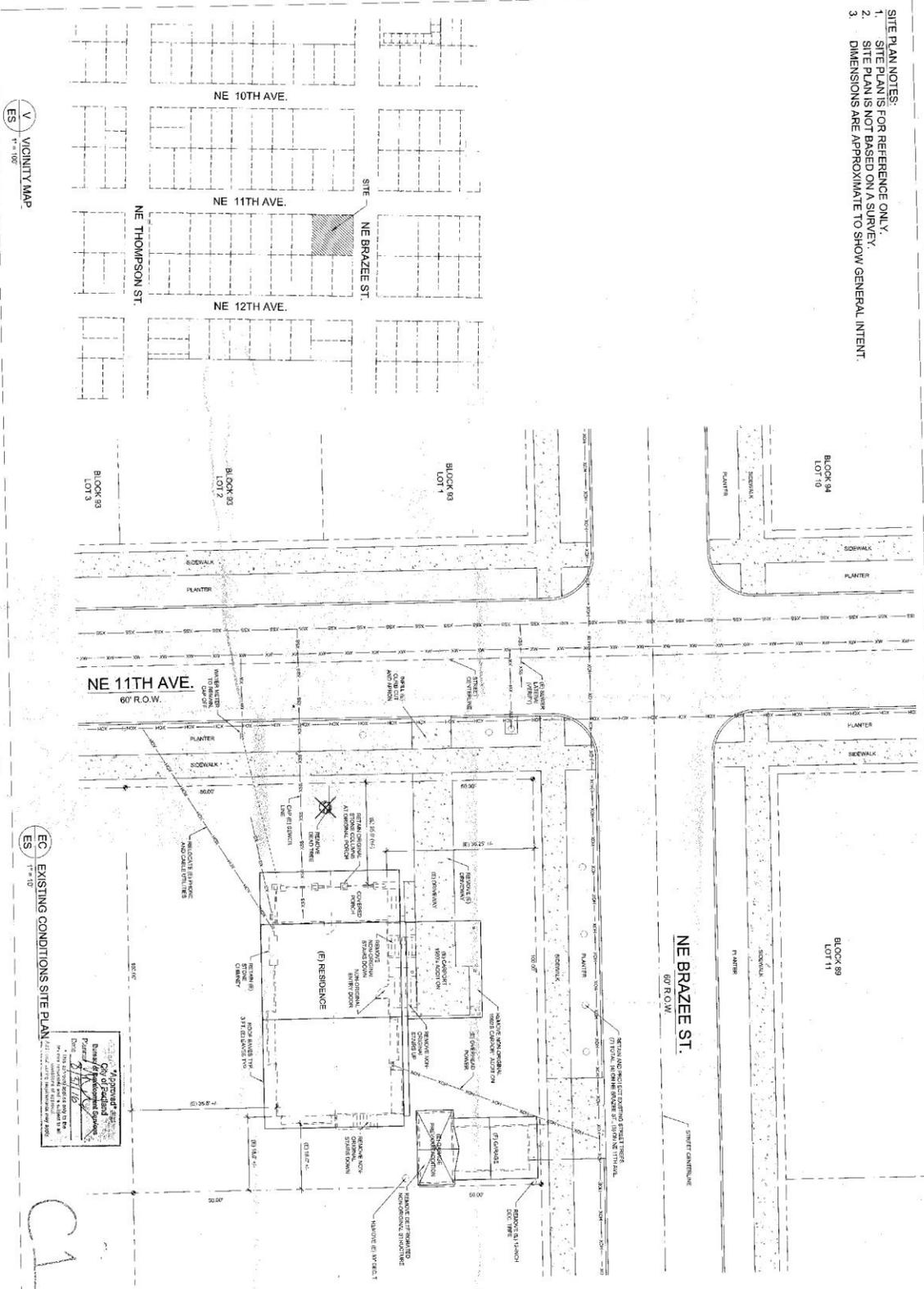
-  Site
-  Historic Landmark

This site lies within the:
IRVINGTON HISTORIC DISTRICT



File No. LU 16-129973 HR
 1/4 Section 2831
 Scale 1 inch = 200 feet
 State_Id 1N1E26CA 6100
 Exhibit B (Mar 04, 2016)

- SITE PLAN NOTES:**
1. SITE PLAN IS FOR REFERENCE ONLY.
 2. SITE PLAN IS NOT BASED ON A SURVEY.
 3. DIMENSIONS ARE APPROXIMATE TO SHOW GENERAL INTENT.



EXISTING CONDITIONS SITE PLAN



C1

NO.	DATE	REVISIONS
1	03-23-10	REVISE TO LAND USE APPLICATION

2440 NE 11TH AVE.

IRVINGTON, BLOCK 90, LOTS 19 & 20

EMERIO
Design
8107 SW MURRAY BLVD, SUITE 147
BEAVERTON, OREGON 97008
PH: (503) 510-5008
FAX: (503) 639-2192

