



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

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Date: April 5, 2013
To: Interested Person
From: Hillary Adam, 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 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 13-104886 HDZM – EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Dan Hallock, 7670 SE Mcbride St, Milwaukie, OR 97222
Owner: Griffith & Margaret Marshall, 1909 NE Brazee St, Portland, OR 97212
Site Address: 1909 NE BRAZEE ST
Legal Description: BLOCK 33 LOT 11, IRVINGTON
Tax Account No.: R420407100, R420407100
State ID No.: 1N1E26DA 02100, 1N1E26DA 02100
Quarter Section: 2832
Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.
District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-388-5004.
Plan District: None
Other Designations: Contributing resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.
Zoning: R5 – Residential 5,000
Case Type: HDZM – Historic Design Review with Modification request
Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant proposes the following exterior alterations:

- Construction of a 2'-6" x 7'-3" addition toward the rear of the building on the east façades to enlarge a first floor bathroom, with stucco siding to match the existing and a shed roof extended from the existing shed roof;
- Removal of a 5'-2" x 3'-6" glass block opening on the north façade, and its replacement with a 3'-0" x 3'-6" wood casement window, with infill siding to match the existing; and
- Widening of the existing 4'-0" wide concrete front entry stair to 6'-0".

The applicant is requesting a modification to 33.110.225 – Building Coverage, to increase the allowed building coverage from 2,250 square feet to 2,332 square feet to accommodate the first floor shower.

Also proposed, but not subject to historic design review, the following aspects of the proposal are provided for informational purposes only.

- Installation of a hand rail at the front entry stair and landing for safety, though not required as the landing is less than 30” above grade; and
- Alterations to the garage to change the existing flat roof to a gabled roof.

Historic Design Review is required because the proposal is for exterior alterations to a contributing resource in the Irvington Historic District.

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 *Other Approval Criteria*

ANALYSIS

Site and Vicinity: The subject property is the east half of a duplex at 1907-1909 NE Brazee, built in 1923 in the French Regency style and located at the northeast corner of NE 19th Avenue and NE Brazee Street. Though constructed at the same time as the primary building, the existing garage is not designated a contributing resource. The existing building has been modified over the years, including a 4’ x 6’ kitchen addition in 1946, enclosure of a rear porch, presumably the east-facing porch in 1952, all to 1909 NE Brazee, as well as extension of a front porch, presumably the west-facing porch at 1907 NE Brazee. In addition, portions of the duplex were clad with synthetic wood siding in 1977.

The Irvington Historic District was platted in 1887 and was one of the first subdivisions in Portland to employ restrictive covenants, including uniform setbacks, minimum construction expenditures, the exclusion of minorities and the exclusion of non-residential uses. The few non-residential uses allowed at the interior of the district were required to be designed to resemble residential buildings. Development of the neighborhood spread slowly from the south east corner toward the northeast, following the patterns of streetcar development, first along NE Broadway, followed by extensions north into the neighborhood. As the restrictive covenants expired, more commercial development occurred at the edge of the subdivision along NE Broadway through conversion of residential properties and new development. The district comprises an eclectic assortment of late 19th and early 20th century architectural styles, including Queen Anne, Craftsman, and Period Revival styles. Garages built during the period of significance were either built at the same time as the associated residences for the later developments, or were later additions to the earlier residences, and were most commonly located at the rear or front of the property.

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 is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and 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 **March 7, 2013**.

The **Bureau of Parks-Forestry Division** had objections to the proposal, provided that all tree cutting codes are observed. Please see Exhibit E-1 for additional details.

Staff Response: It does not appear that any trees will be affected by the proposal.

The following Bureaus have responded with no issues or concerns:

- Life Safety Division of BDS
- Water Bureau
- Bureau of Environmental Services
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **March 7, 2013**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on April 2, 2013, stating no objections to the proposal.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Design Review

Purpose of Historic Design Review

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

Historic Design Review Approval Criteria

Requests for historic design review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore Historic Design Review approval is required. The approval criteria are those listed in 33.846.060 G – *Other Approval Criteria*.

Staff has considered all 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.

Findings for 1, 2, 3, and 4: The proposal is for the removal of a non-historic glass block window at the rear and its replacement with a wood casement window which will be more in keeping with the historic character of the resource than the current condition. As the new window is smaller than the window to be replaced, the area around the window will be sided to match the nearby siding. In addition, the applicant also proposes a small addition at the rear of the house to accommodate an interior shower in the first floor bathroom and widening of the front stair that leads to the duplex's main entry. These last two alterations are intended to ease mobility for the homeowners with little impact to the historic character of the resource. The shower addition will be minimally visible from the street and will be clad with stucco with the existing bathroom shed roof extended over the new addition to minimize its impact to the resource. The front stair will be widened with the landing to remain unaltered with the exception that a new railing, not subject to review, will be installed for safety. The proposed changes are relatively minor and will not create a false sense of historic development, or adversely impact the character of the historic resource. *These criteria are met.*

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: N/A

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.

Findings: N/A

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.

Findings: The proposed shower addition and widening of the front steps will be designed to blend relatively seamlessly with the existing resource, but will be differentiated by this record, as well as potentially discernible variations in the concrete color. Likewise, the proposed window is to be more in keeping with the rest of the windows in the house than is the current glass block window, but will be differentiated by this record, as well as by the underlying framing. In addition, other windows on the house feature aluminum storm windows, which this window will not require. *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.

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 8, 9, and 10: The proposed shower addition, front stair widening, and window replacement are all minor, compatible, and essentially reversible alterations. While the shower addition will alter the footprint of the house, thereby requiring a modification to the building coverage standards, the alteration is so minor and located at the rear of the house that the essential form and integrity of the resource will remain intact. If the shower were proposed in another location, it may require a more intrusive addition to the historic resource; therefore the proposed shower addition is located in the best possible location to minimize adverse affects on the historic resource. The proposed shower addition is to be clad with stucco to blend with the adjacent walls. It is also modest in scale, allowing the adjacent shed roof to extend over the new shower, resulting in a compatible addition that will be absorbed into the existing resource. The proposed stair widening will result in a condition similar to the existing, only wider. The proposed casement window at the rear of the house will remove a non-compatible glass block window, resulting in a window more in keeping with the historic resource, adjacent properties, and the district as a whole. *These criteria are met.*

33.846.070 Modifications Considered During Historic Design Review

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

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

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

Modification #1: The applicant is requesting a modification to 33.110.225 – Building Coverage, to increase the allowed building coverage from 2,250 square feet to 2,332 square feet to accommodate the first floor shower.

Findings for A: As evidenced in the findings under Guidelines 8, 9, and 10 above, the resulting development will better meet the approval criteria because, accepting that the shower cannot be located within the existing building envelope, in order to locate the proposed shower within the existing footprint, it would have to be located on top of the existing enclosed first floor porch on the east façade. Such a location would neither be compatible with the historic resource nor suitable for the needs of the homeowners who desire to have a shower located on the first floor for accessibility reasons.

Findings for B: The purpose of the regulation is met because the modification required for this application is for a minor increase to an already non-conforming situation. The building coverage standards limit the building coverage for this site to 2,250 square feet. The existing building is 2,314 square feet, 64 square feet over the maximum allowed. The proposed shower addition is for an increase of 18 square feet. The purpose of the standard is to limit the bulk of

buildings on a site so as to not overwhelm adjacent properties. The existing duplex is located on a corner property and the proposed shower will be located toward the rear of the house, tucked into a corner of the existing building, with a shed roof. The proposed location, scale, and size of the addition will have a negligible effect on neighboring properties and will still allow access through the site for the property owners.

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

DEVELOPMENT STANDARDS

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

CONCLUSIONS

The proposed stair widening and first floor shower addition are intended to ease access for the homeowners and will not adversely affect the historic resource. The proposed window replacement at the rear will alleviate the condition of the incompatible glass block window, resulting in more compatible fenestration for this historic resource. The purpose of the Historic Design Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of exterior alterations in the Irvington Historic District, including:

- Construction of a 2'-6" x 7'-3" addition toward the rear of the building on the east façades to enlarge a first floor bathroom, with stucco siding to match the existing and a shed roof extended from the existing shed roof;
- Removal of a 5'-2" x 3'-6" glass block opening at the rear of the building, on the north façade, and its replacement with a 3'-0" x 3'-6" wood casement window, with infill siding to match the existing; and
- Widening of the existing 4'-0" wide concrete front entry stair to 6'-0".

Approval of a modification to 33.110.225 Building Coverage to increase the building coverage from 2,250 square feet to 2,332 square feet.

This approval is per the approved site plans, Exhibits C-1 through C-6, signed and dated April 3, 2013, 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 through C-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 13-104886 HDZM. No field changes allowed."

Staff Planner: Hillary Adam

Decision rendered by:  on April 3, 2013
By authority of the Director of the Bureau of Development Services

Decision mailed: April 5, 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 January 15, 2013, and was determined to be complete on February 28, 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 January 15, 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.

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 April 19, 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 Historic Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Historic Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed,* The final decision may be recorded on or after **April 22, 2013 – (the day following the last day to appeal).**
- 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

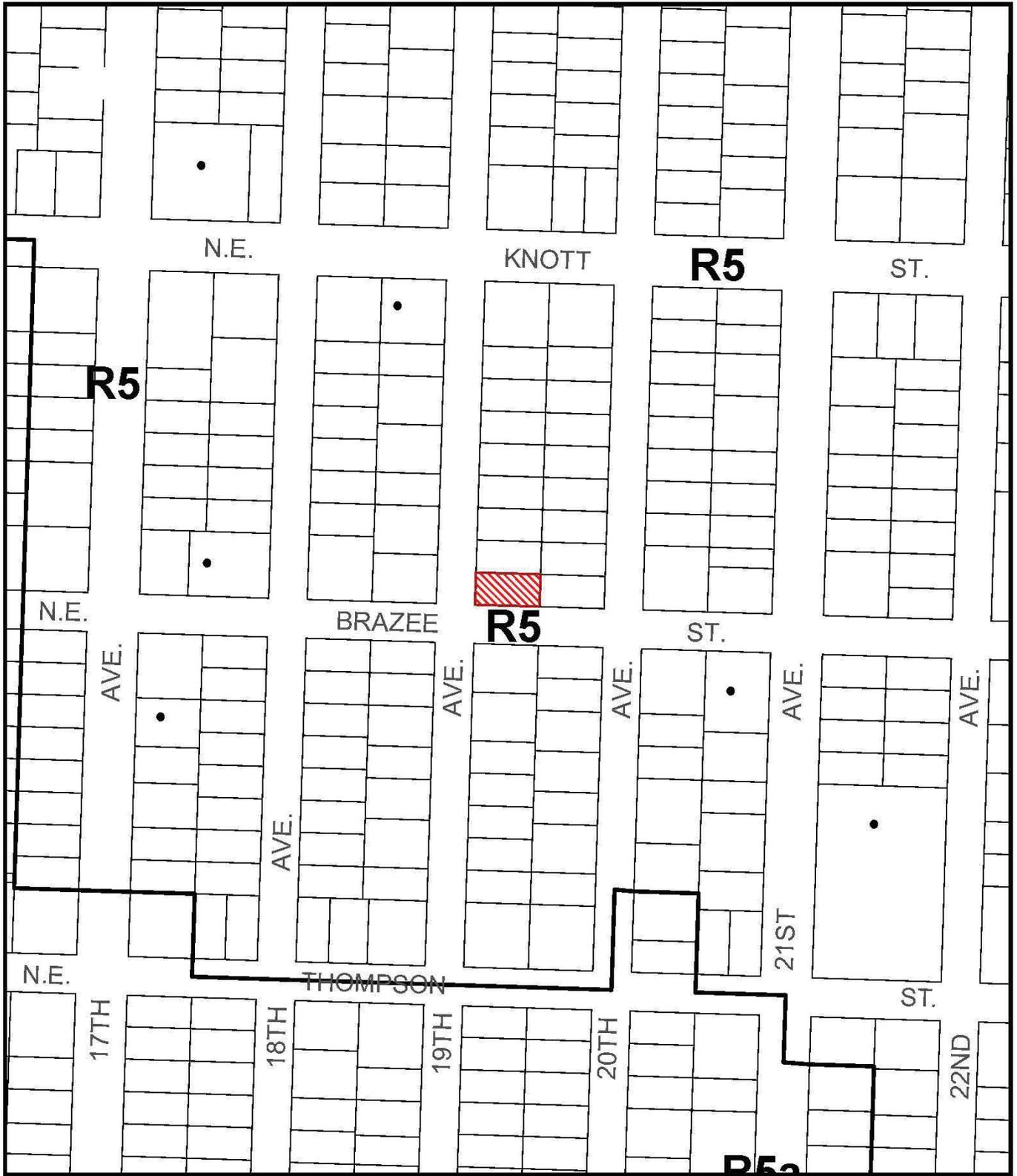
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations (attached)
 - 3. Front Stair Elevations
 - 4. Shower Addition Plan
 - 5. Window Section
 - 6. Window Specifications
- D. Notification information:
 - 1. Mailing List
 - 2. Mailed Notice
 - 3. Mailing List for Revised Notice
 - 4. Mailed Revised Notice
- E. Agency Responses:
 - 1. Bureau of Parks, Forestry Division
 - 2. Life Safety Division of BDS
 - 3. Water Bureau
- F. Correspondence:
 - 1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote, on April 2, 2013, stating no objections.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, dated January 29, 2013
 - 3. National Register Information

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

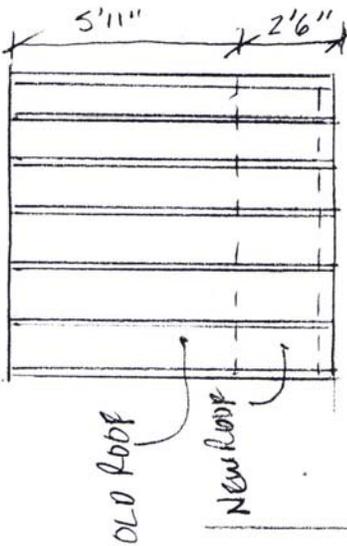
File No. LU 13-104886 HDZM

1/4 Section 2832

Scale 1 inch = 200 feet

State_Id 1N1E26DA 2100

Exhibit B (Jan 15, 2013)



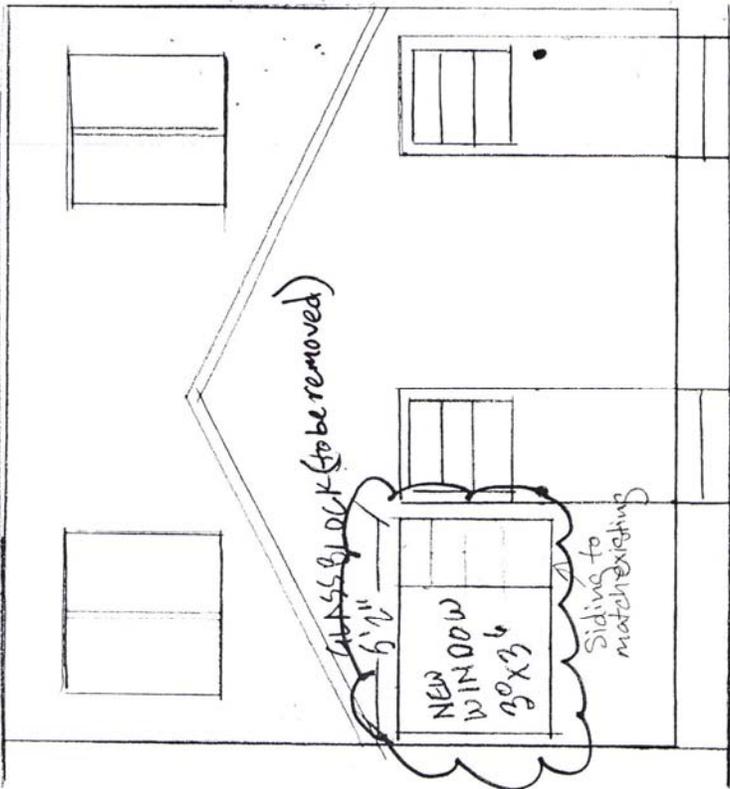
14"=1'0"

STUCCO

RIGHT SIDE OF HOUSE 14'10"

Approved
City of Portland
 Bureau of Development Services
 Planner Adam
 Date 1/3/13

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



BACK OF HOUSE 14'10"