



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: January 10, 2012
To: Interested Person
From: Chris Caruso, Land Use Services
503-823-5747 / Chris.Caruso@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 this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

CASE FILE NUMBER: LU 11-165890 HDZ NEW FRONT PORCH

GENERAL INFORMATION

Applicant/Owner: Jeanne Miller/1207 NE Tillamook St./Portland, OR 97212-4340

Site Address: 1207 NE TILLAMOOK ST

Legal Description: BLOCK 78 W 1/2 OF LOT 11&12, WEST IRVINGTON
Tax Account No.: R893600630
State ID No.: 1N1E26CA 12100
Quarter Section: 2831
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 503-823-4575.

Plan District: Albina Community
Other Designations: Irvington Historic District, non-contributing resource
Zoning: R1a, Medium Density Residential with Alternate Design Density overlay
Case Type: HDZ, Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant requests historic design review approval for a new wood front porch and stair on the JM Creamer (probable) house built in 1906, which is a non-contributing resource in the Irvington Historic District. The original porch was removed in 1973. The new porch is designed to replicate similar historic porches. It will be constructed of wood framing, be finished with wood siding, lattice, fluted wood posts, and exposed tongue and groove ceiling boards plus exposed rafters to match the existing original rear porch. The eave overhangs, roofing material, and roof slope of the new front porch will match those of the existing upper house roof. The new front stairs will also be constructed of wood with fluted posts and wood railings. All exposed wood will be painted to complement the house.

Historic design review is required for exterior alterations to existing structures in historic districts.

Relevant Approval Criteria:

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

- 33.846 Historic Reviews
- 33.846.060.G Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject property, a single family home built in 1906, is evaluated as non-contributing within the Irvington Historic District due to significant exterior alterations, namely the removal of the original front porch. The house is a two-story, Old Portland Style Foursquare structure positioned on a standard 5,000 SF corner lot with access to a detached garage at the interior rear of the property. The front of the house faces NE Tillamook, the shorter width of the lot.

Per the City of Portland Transportation System Plan, NE Tillamook Street is designated a City Bikeway and Local Service Walkway. NE 12th Avenue is designated a Local Service Bikeway and Local Service Walkway.

Zoning: The Residential 1,000 (R1) is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouse, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R1 zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply. The use as a residential dwelling is allowed by right in this zone.

The Alternative Design Density “a” overlay is in place 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.

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.

Irvington Historic District. 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 after original construction, but still within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

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 **December 15, 2011**. The following Bureaus have responded with no issues or concerns:

- Life Safety Review Section of BDS (Exhibit E-1)
- Water Bureau (Exhibit E-2)
- Bureau of Environmental Services (Exhibit E-3)
- Bureau of Transportation Engineering
- Fire Bureau
- Bureau of Parks-Forestry Division
- Site Development Review Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on December 15, 2011. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, Irvington Land Use Committee, January 5, 2012, in support of 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.

Findings: The designated historic property is the entire Irvington Historic District, not the individual non-contributing resource, a house which lacks sufficient distinction for

designation due to the removal of the original front porch. The addition of the new front porch will actually return the house to a more traditional look which included a large front porch many years ago. Existing original material around the porch area will not be altered by this addition to the front of the house. The proposed porch materials and detailing will match similar elements on the house. *This criterion is met.*

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.

Findings: The proposed front porch addition is based on similar porches seen throughout the historic district. As the house originally did have a large front porch, the recreation of this type of element is in keeping with the building's style. Existing historic fabric around the porch area will be retained. The house will remain a record of its time, place, and use as an early 20th Century, Portland four-square single-family residence. *This criterion is met.*

3. Historic changes. Most properties change over time. Those changes that have acquired historic significance will be preserved.

Findings: The existing house retains most of its original material with the exception of the area where the former front porch was attached. These areas have not achieved historical significance and can be removed or altered. Any surrounding original material will be preserved. *This criterion is met.*

4. 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: The existing house retains most of its original material with the exception of the area where the former front porch was attached. These areas have not achieved historical significance and can be removed or altered. Any surrounding original material will be preserved. *This criterion is met.*

5. 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: While there is the possibility of archaeological resources being in the area where the porch foundations will be installed, it is highly unlikely as the area has been developed for many decades. If any resources are excavated, the appropriate State offices will be alerted. *This criterion is met.*

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: No existing historic material will be destroyed by the addition of the front porch as the area where the porch will be located has already been significantly altered. The new work will be differentiated from the old by its new materials and un-weathered appearance. *This criterion is met.*

8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

Findings: The new front porch will fit within the boundaries of the front façade, sitting below the upper story windows in a very traditional arrangement. The eave overhangs and roof slope of the porch will match those on the upper story of the building, allowing this new feature to blend in with the original architecture. The proposed porch materials and finish detailing will match similar elements on the house. *This criterion is met.*

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: The proposed front porch will be architecturally compatible with the existing house because it uses similar materials [wood] and details already present on the building. The character of the Irvington Historic District will be enhanced by the new porch as it returns an adversely altered structure to a more traditional form. *This criterion is 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 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. The proposed new front porch will help bring the house closer to its original historic appearance which will improve the overall historic fabric of the district. This proposal meets the applicable Historic Design Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

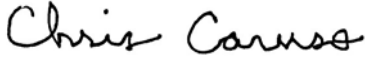
Approval of historic design review for a new wood front porch and stair on the JM Creamer (probable) house built in 1906, which is a non-contributing resource in the Irvington Historic District to include the following:

- Wood porch constructed of wood framing, wood siding, wood lattice, fluted wood posts, exposed wood tongue and groove ceiling boards, and exposed wood rafters that match rafters on the existing original rear porch;
- Front porch eave overhangs, roofing material, and roof slope to match the existing upper house roof;
- Wooden front stairs with fluted wood posts, wood pickets and wood railings; and
- All exposed new wood painted to complement the house.

Approved per the approved site plans, Exhibits C-1 through C-2 signed and dated January 6, 2012, 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.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 11-165890 HDZ. No field changes allowed."

Staff Planner: Chris Caruso

Decision rendered by:  **on January 6, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed: January 10, 2012

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 August 10, 2011, and was determined to be complete on **December 13, 2011**.

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 August 10, 2011.

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: April 12, 2012.**

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 January 24, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

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

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, or phone 1-503-373-1265 for further information.

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

Recording the final decision.

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

- *Unless appealed*, The final decision may be recorded on or after **January 25, 2012 – (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;

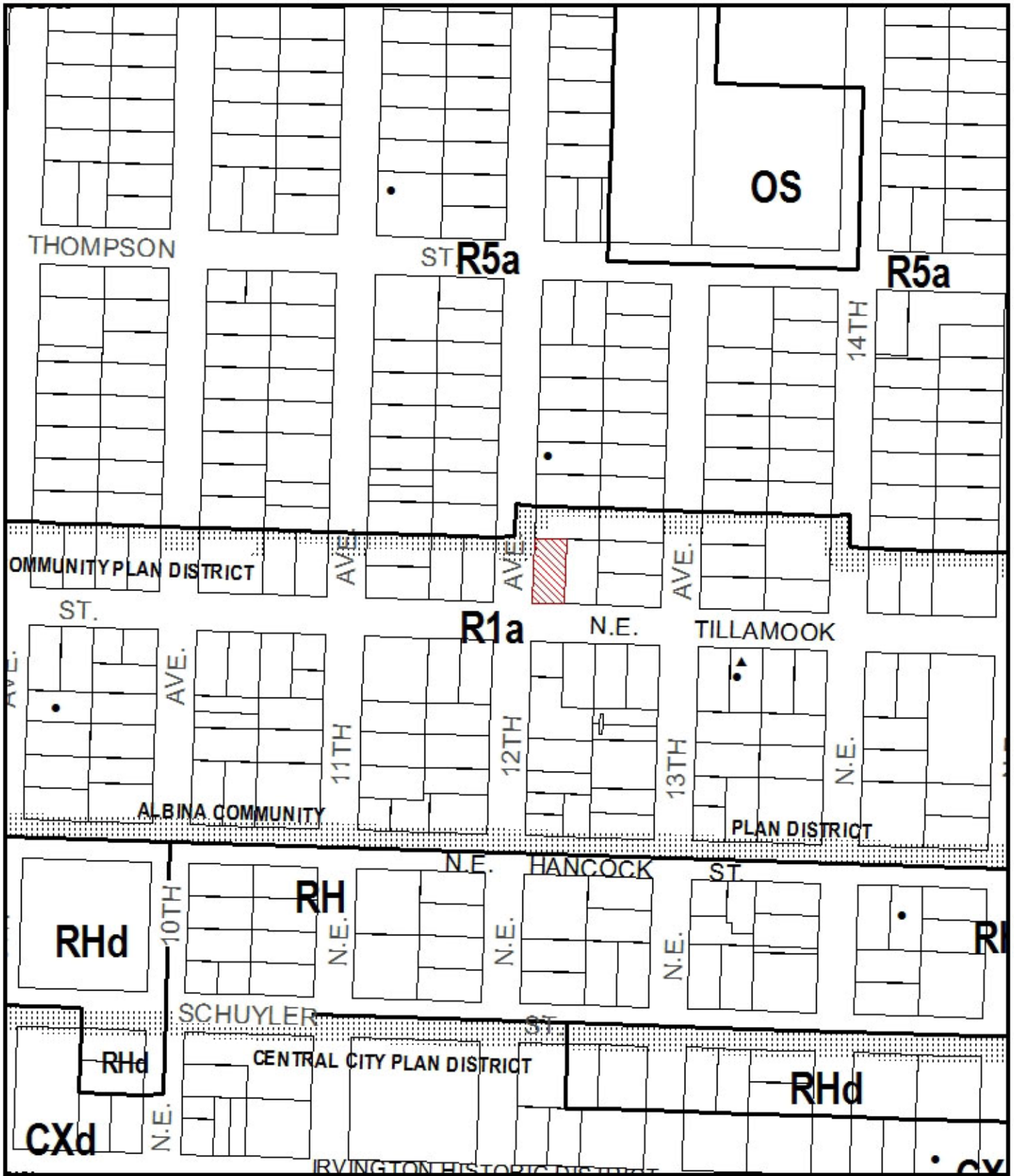
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED


- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations/Sections/Details (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
 - 2. Water Bureau
 - 3. Bureau of Environmental Services
- F. Correspondence:
 - 1. Dean Gisvold, Irvington Land Use Committee, January 5, 2012, in support.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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

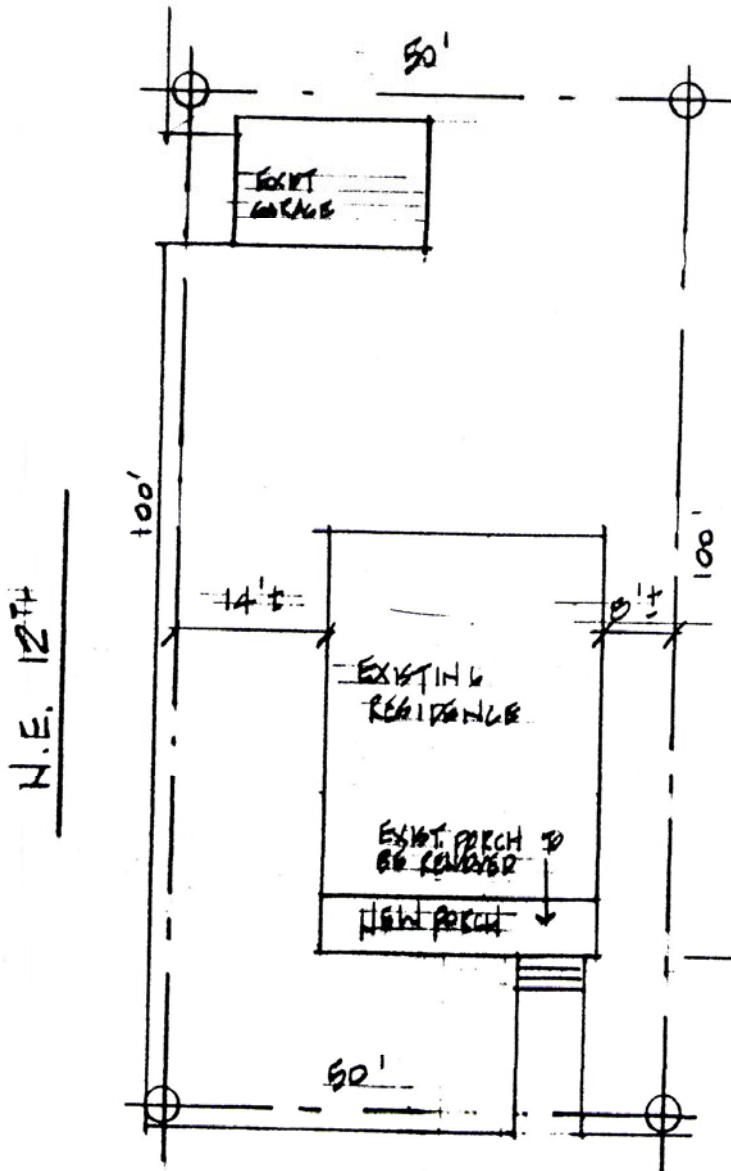
This site lies within the:
 IRVINGTON HISTORIC DISTRICT
 ALBINA COMMUNITY PLAN DISTRICT



NORTH

File No.	LU 11-165890 HDZ
1/4 Section	2831
Scale	1 inch = 200 feet
State_Id	1N1E26CA 12100
Exhibit	B (Aug 12, 2011)

Plot Plan



Plot Plan

1"=20'-0"



NORTH

LEGAL

N.E. 12TH

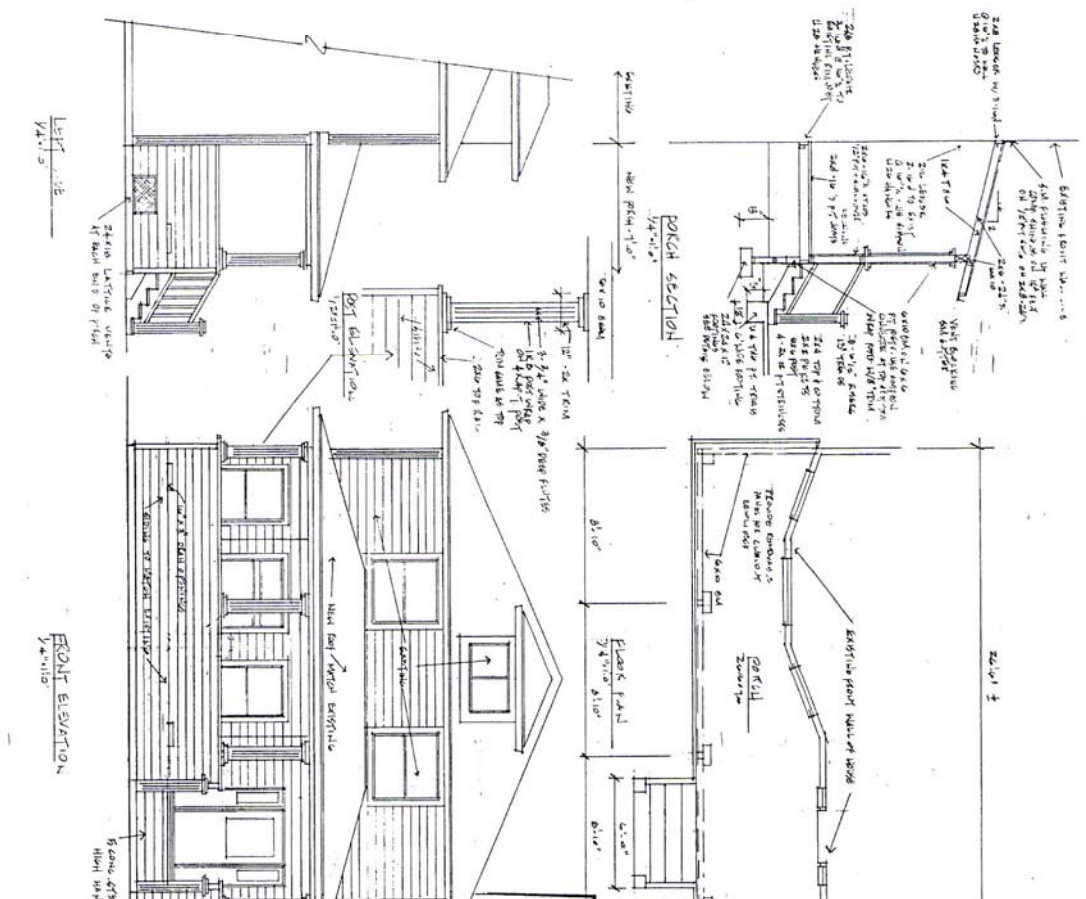
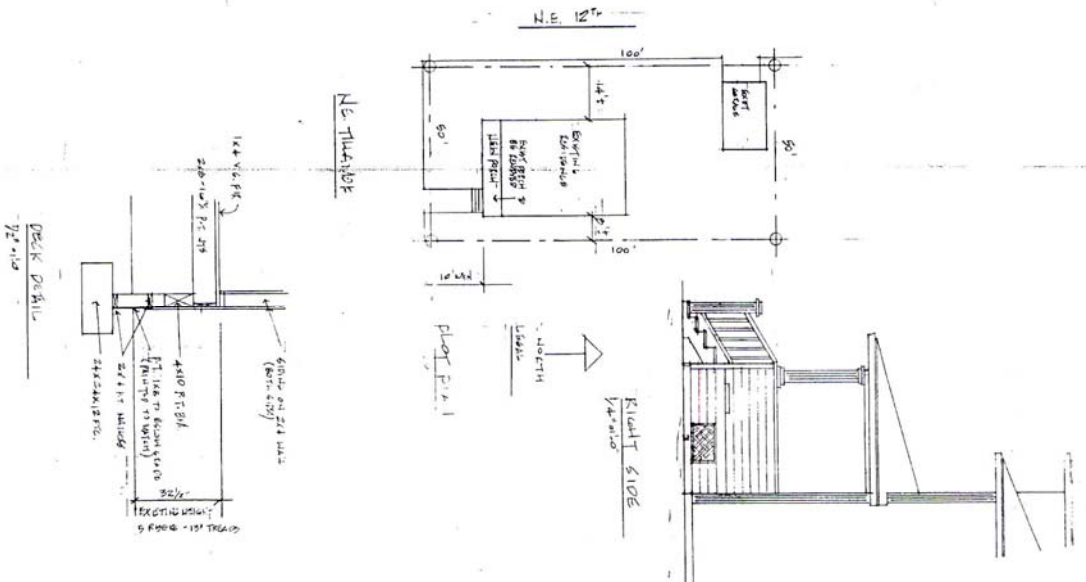
N.E. THAMMOK

Approved
City of Portland
Bureau of Development Services
Planner C. Cant
Date 1/4/12

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

EXH. C-1

LU 11-165890 HDZ



Approved
 City of Portland
 Bureau of Development Services
 Planner
 Date 1/6/12

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

MILLER PORCH REMOD
 RON WAGNER - BUILDER

Project Number: _____
 Date: _____
 Drawn By: _____
 Check: _____
 Scale: _____

BUILDERS DESIGN INC
 COMMERCIAL - RESIDENTIAL - REMODELING
 11125 NE WEIDLER ST. - PORTLAND, OR 97220
 PHONE: (503) 252-3453 - FAX: (503) 252-3454
 EMAIL: BUILDERSDESIGN@GMAIL.COM

WU 11-105890 HD2 EXH C-2