



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

FROM CONCEPT TO CONSTRUCTION

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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** May 2, 2014  
**To:** Interested Person  
**From:** Jennifer Kenny, Land Use Services  
503-823-7011 / [Jennifer.Kenny@portlandoregon.gov](mailto:Jennifer.Kenny@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 reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

### **CASE FILE NUMBER: LU 14-121474 HR – NEW GARAGE**

#### **GENERAL INFORMATION**

**Owner:** Esther Westbrook and Russel Callen  
1216 NE Tillamook St / Portland, OR 97212-4339

**Applicant:** Justin Swanson / Swanson Construction  
PO Box 1874 / Sandy, OR 97055

**Site Address:** 1216 NE TILLAMOOK ST

**Legal Description:** BLOCK 125 LOT 3, WEST IRVINGTON  
**Tax Account No.:** R893604330  
**State ID No.:** 1N1E26CD 02500  
**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 Claire Adamsick at 503-388-9030.  
**Plan District:** Albina Community  
**Other Designations:** Contributing property within the Irvington Historic District  
**Zoning:** R1a, a medium density multi-dwelling zone, with an Alternative Design Density (a) overlay  
**Case Type:** Historic Resource Review  
**Procedure:** Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

**Proposal:** The applicant is seeking Historic Resource Review approval to construct a 12' x 24' detached garage at the rear of a contributing property within the Irvington Historic District, which includes:

- 5/8" thick cedar siding with 10-3/4" reveal to match the house
- Composition shingles pitched roof
- Fiberglass double casement window in the front gable, trim to match house windows

- Wooden garage door with divided light-style windows on the front elevation
- Fiberglass double casement window on east elevation, trim to match house windows
- Steel mandoor on the east elevation
- Roof eave overhang to be 2' in the front and 6" at the sides and rear, plus gutters

Historic Resource Review is required for new construction within the Historic District.

**Relevant Approval Criteria:** In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are: *33.846.060 G – Other Approval Criteria*

## ANALYSIS

**Site and Vicinity:** The subject house is a contributing property within the Irvington Historic District. It was built in 1912, in the Foursquare style of the late 19<sup>th</sup> and early 20<sup>th</sup> century period of American architecture.

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.

**Zoning:** The R1 zone 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, townhouses, 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.

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.

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 on **April 11, 2014**. No responses were received.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **April 11, 2014**. Two written responses have been received, one is from Dean Gisvold on behalf of the Neighborhood Association Land Use Committee in support of the project, and the other is

from George Eighmey and Peter Livingston expressing concern that the garage roof will overhang onto their rental property and a request that bamboo be removed.

**Staff Response:** Staff discussed this concern with the applicant and verified that the roof will overhang 6” within a 1’ side setback; therefore, it will not reach the neighboring property. The applicant also confirmed that she will talk to Mr. Eighmey and Mr. Livingston about the bamboo, as it is not part of this 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 non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are in City Code 33.846.060.G – *Other Approval Criteria*.

*Staff has considered all criteria 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.

**Findings for 1 and 2:** The new garage will incorporate historically appropriate features and materials that reflect the character of the historic home, including wood siding that matches that of the home in size and profile. The two fiberglass casement windows and side mandoor will feature wood trim to mimic those on the historic house in material and profile. The carriage style wood garage door features paneling and divided light-style windows which are appropriate to the era of the house. Each of the elements is historically-appropriate in style and/or material, thus no conjectural features will be added. No historic materials or features will be removed from the primary historic resource. *These criteria are therefore met.*

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

**10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for 8 and 10:** The garage will be compatible with the architecture of the historic house by mimicking the style and profile of the siding, the trim of the windows, as well the roof pitch. The house's eaves have a 3' overhang, however the garage will have a 6” overhang at the sides so that it doesn't exceed the 1' setback on the west elevation. The rear eaves will also have a 6” overhang to maintain proportions with the



*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on February 27, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: August 6, 2014.**

**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 **May 2, 2014.**

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

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

the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

**Expiration of this approval.** An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun. Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

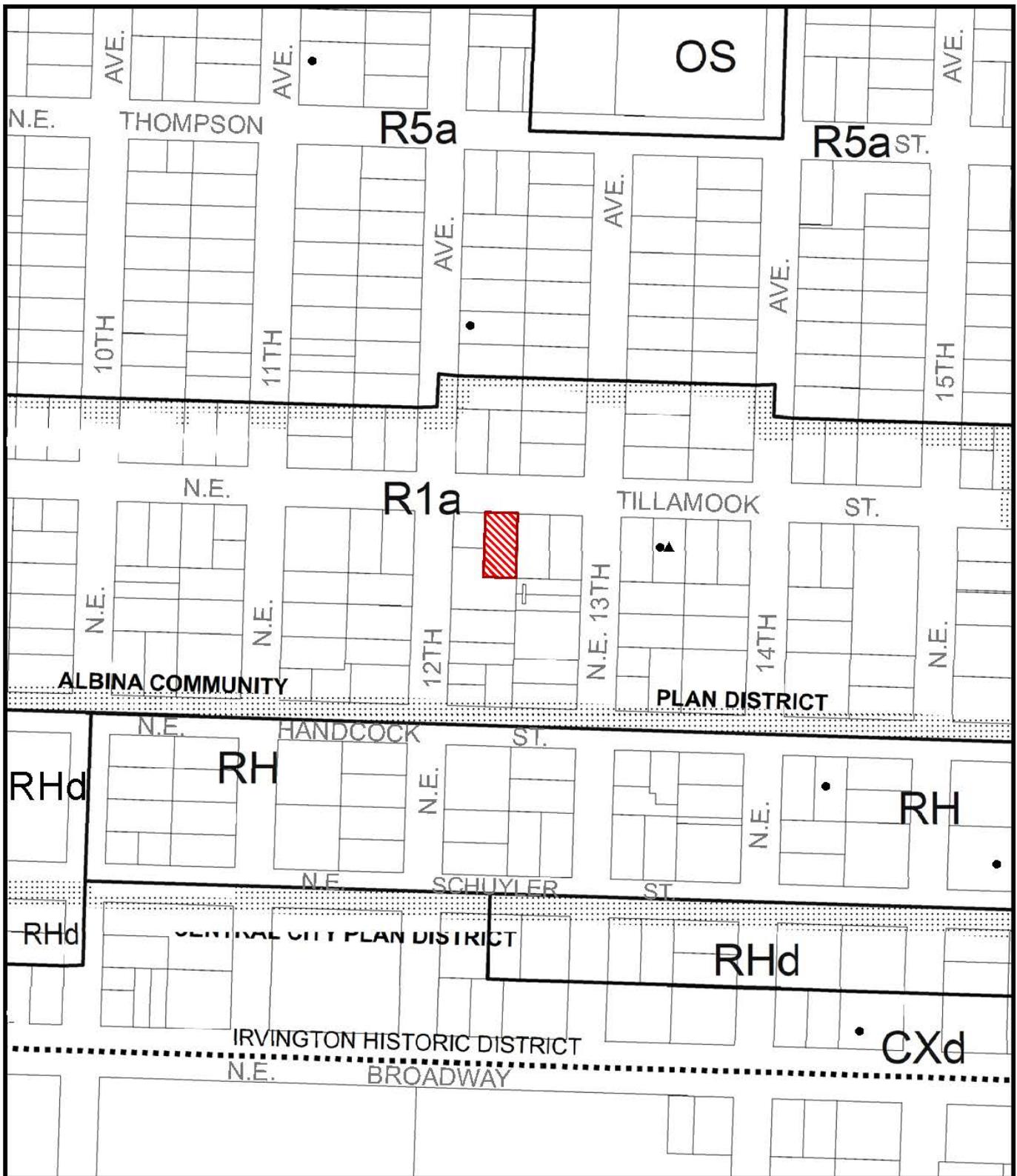
**Applying for your permits.** A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code 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
- B. Zoning Map (attached)
- C. Plans/Drawings:
  1. Site Plan (attached)
  2. Elevations (attached)
  3. Details
- D. Notification information:
  1. Mailing list
  2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
  - George Eighmey, Peter Livingston, April 17, 2014, concerned about roof & bamboo.
  - Dean Gisvold, on behalf of the neighborhood association Land Use Committee, April 24, 2014, no objections.
- 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

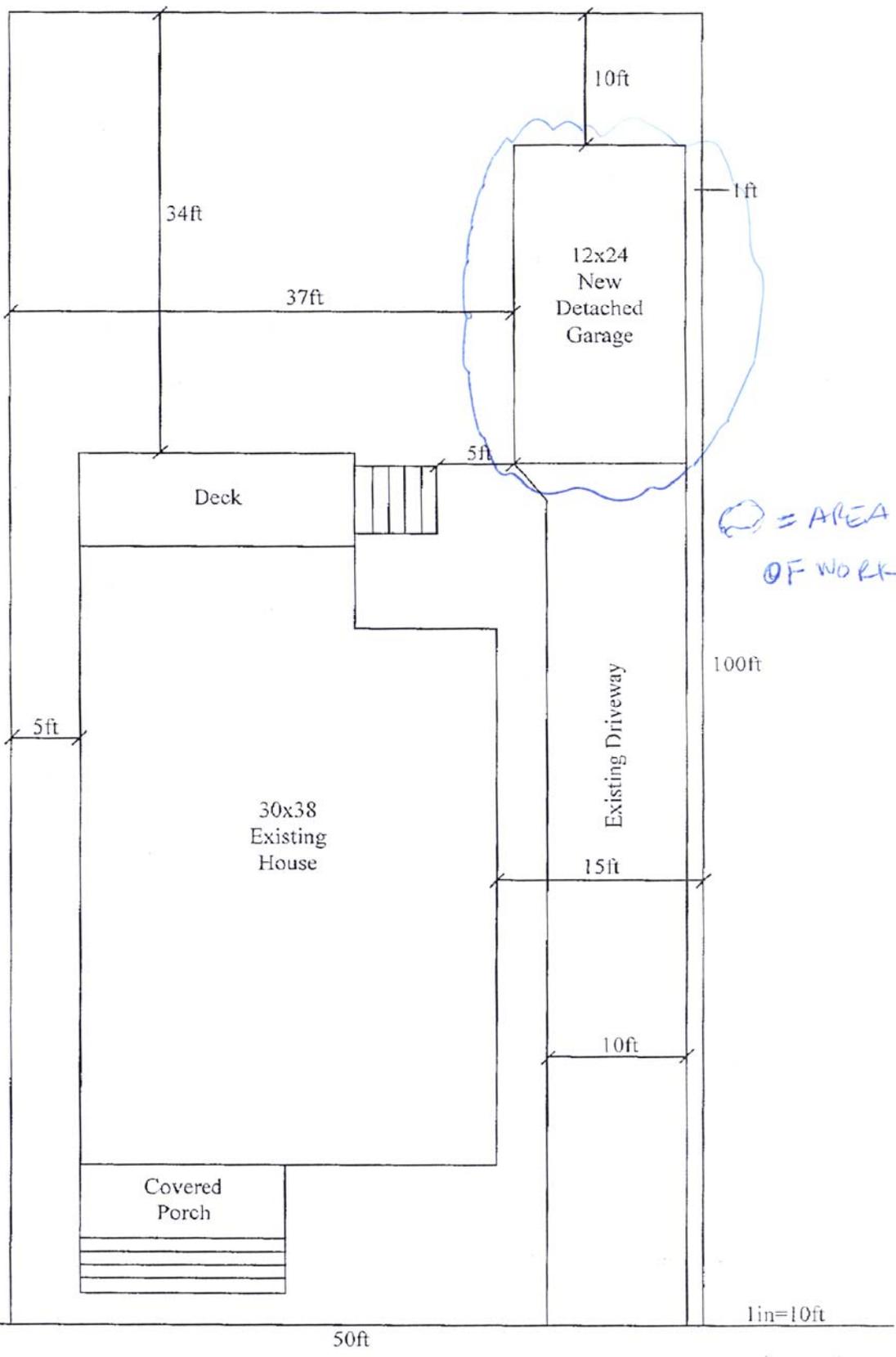
-  Site
-  Historic Landmark
-  Conservation Landmark

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

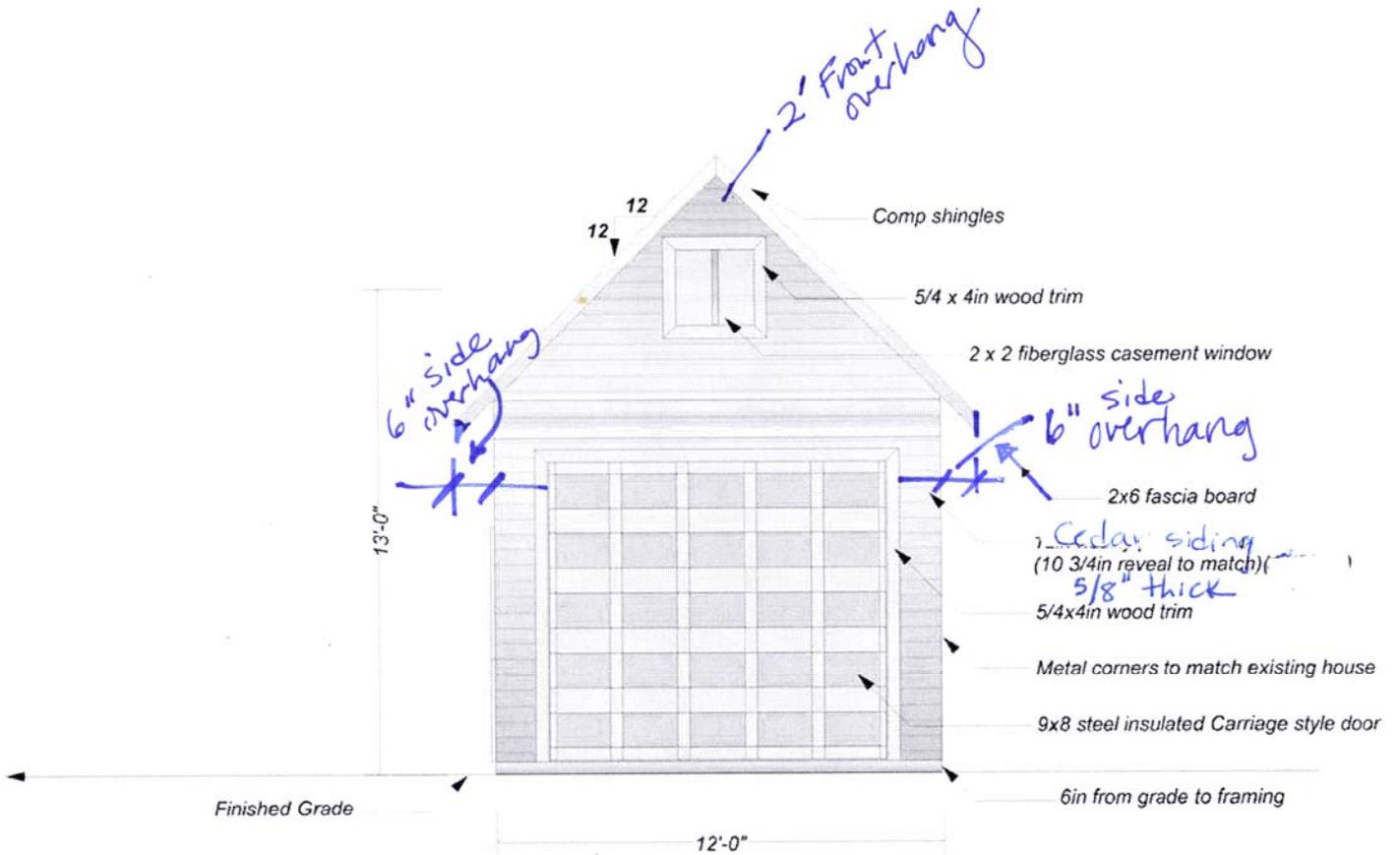


File No. LU 14-121474 HR  
 1/4 Section 2831  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E26CD 2500  
 Exhibit B (Feb 28, 2014)

\*Approved\*  
 City of Portland - Bureau of Development Services  
 Planner Ximiny Kervin Date 4/28/14  
 This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



LU14-12/474 HR  
 EXHIBIT C-1



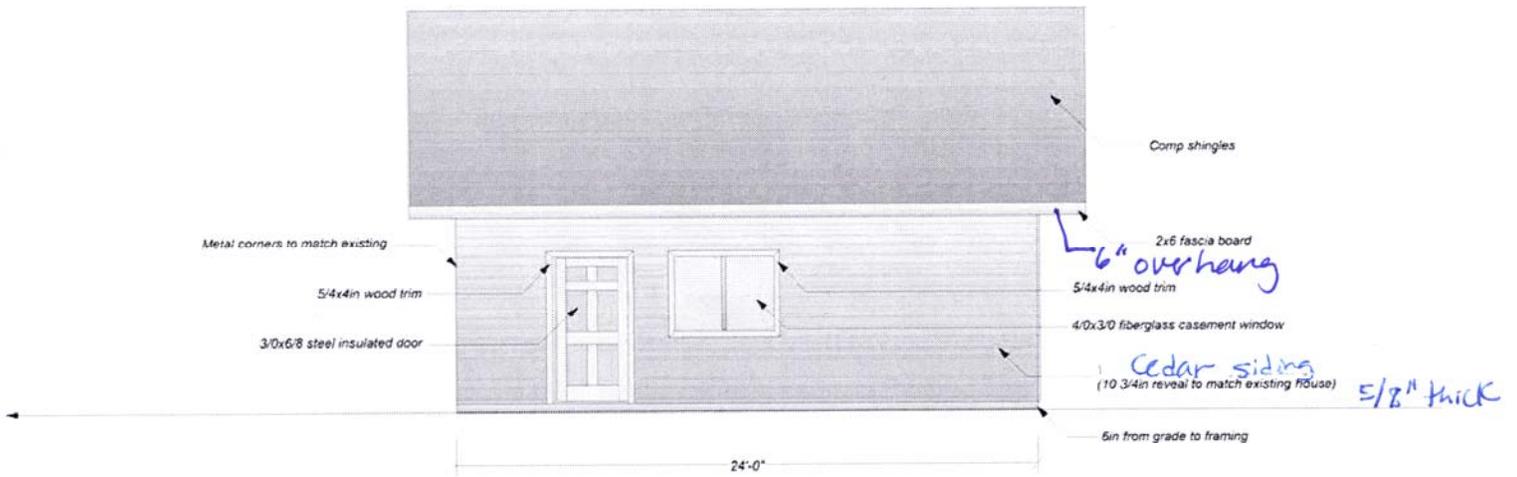
\*Approved\*

City of Portland - Bureau of Development Services

Planner Jennifer Kenny Date 4/28/14

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

EXHIBIT G-2  
LU 14-121474 HR



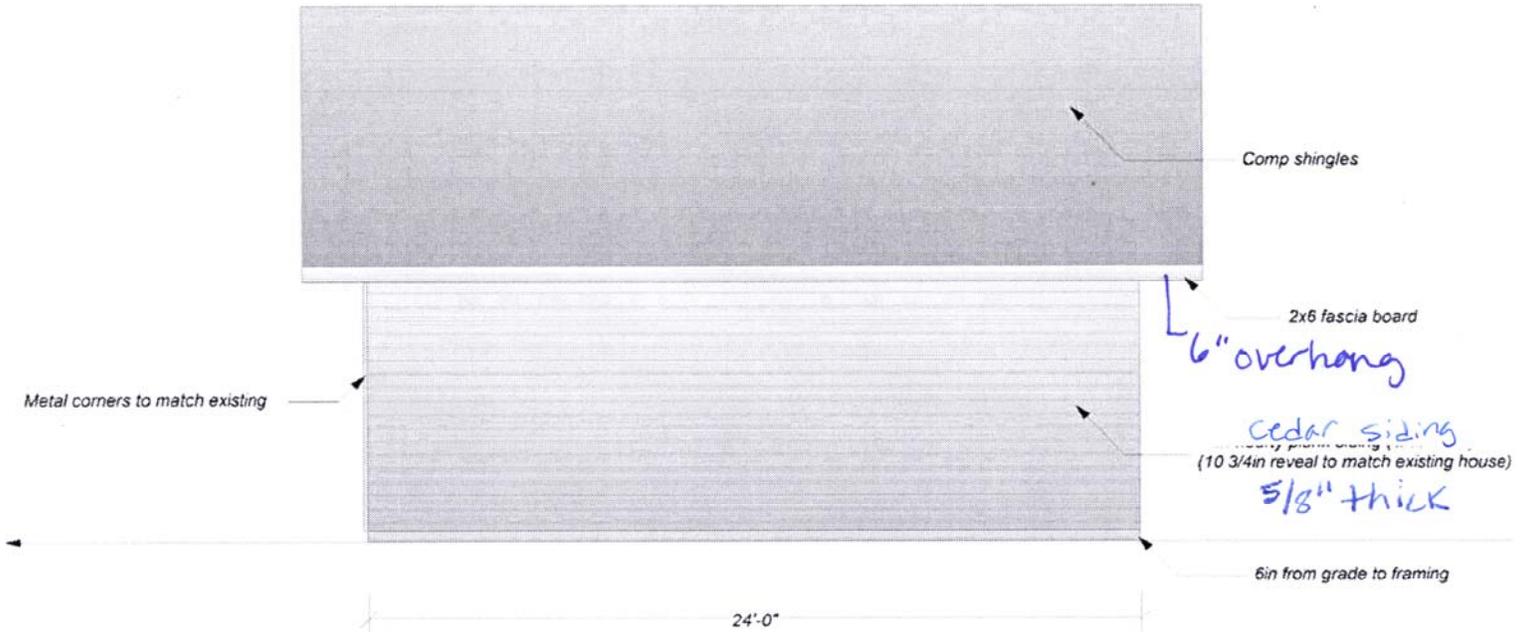
\*Approved\*

City of Portland - Bureau of Development Services

Planner Jenny Kenny Date 4/24/14

This approval applies only to the reviews requested and is subject to the City of Portland's Building Code requirements and any other applicable laws, rules, regulations, and orders.

EXHIBIT G-3  
 LU14-121474HR



\*Approved\*

City of Portland - Bureau of Development Services

Prepared by

*Jenny Kenny*

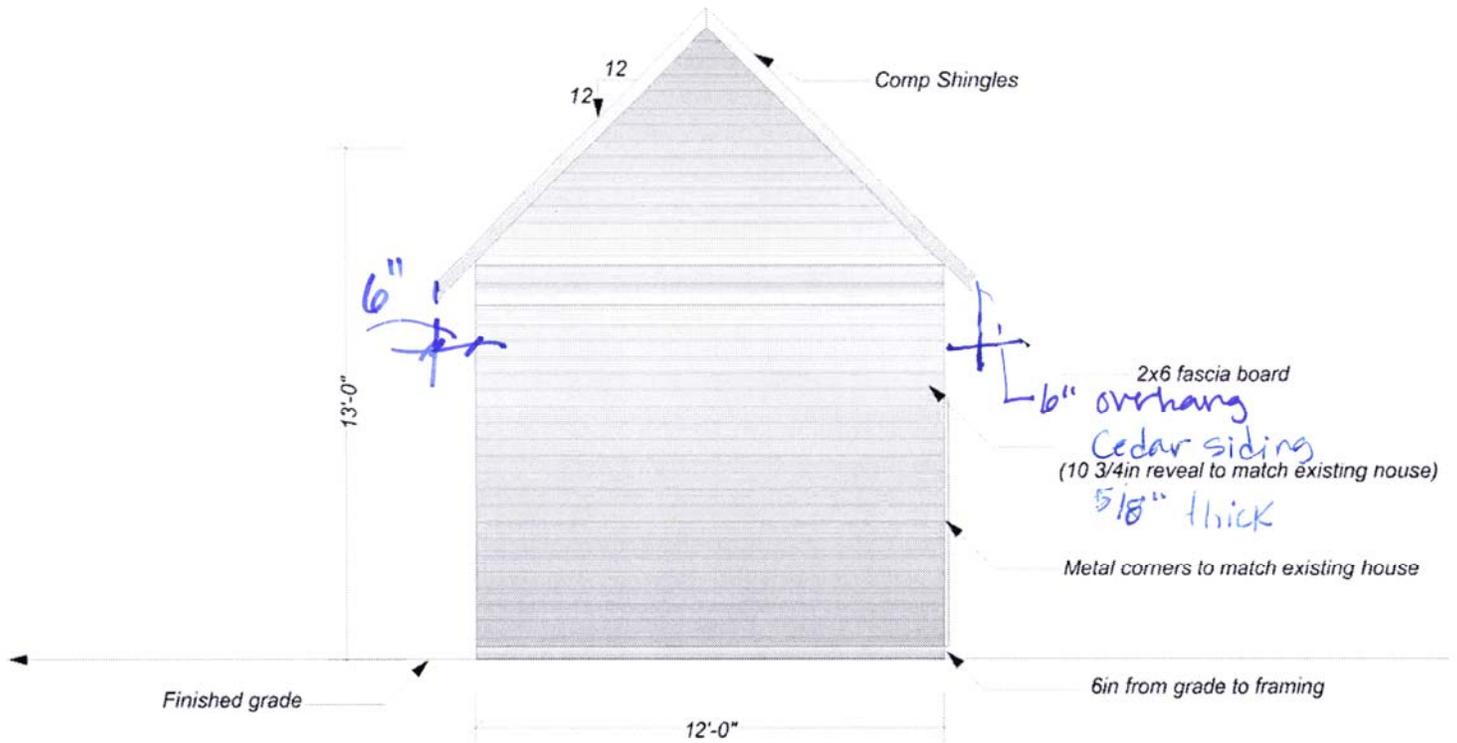
Date

*4/24/14*

This approval applies only to the reviews requested and is subject to the final approval. Additional zoning requirements may apply.

EXHIBIT C-4

LU14-121474 HR



Rear Elevation

1/4"=1'

\*Approved\*

City of Portland - Bureau of Development Services

Planner Jennifer Kenny Date 4/24/14

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

EXHIBIT C-5  
LU14-121474 HR