



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: June 27, 2014
To: Interested Person
From: Hillary Adam, Land Use Services
503-823-3581 / Hillary.Adam@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 13-233018 HR – DRIVEWAY WIDENING

GENERAL INFORMATION

Applicant: Nicholas Mira / Propel Studio Architecture
422 NE 79th Ave / Portland, OR 97213

Owner: Ranjy Thomas / Shine Thomas / A P Simon
2935 NE 15th Ave / Portland, OR 97212-3342

Site Address: 2935 NE 15TH AVE

Legal Description: BLOCK 68 LOT 7, IRVINGTON
Tax Account No.: R420414680
State ID No.: 1N1E26AC 05100
Quarter Section: 2732
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 Claire Adamsick at 503-388-9030.
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: HR – Historic Resource Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant proposes to widen the existing driveway and construct new concrete retaining walls. The south retaining wall is proposed to include stepped planters and a steel and cable handrail system. The north retaining wall is also proposed to include steel and cable railing

to protect against falling. The driveway is proposed to be paved with permeable concrete pavers.

Historic resource review is required because the proposal is for non-exempt exterior alterations to a 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 approval criteria are:

- 33.846.060.G *Other approval criteria*

ANALYSIS

Site and Vicinity: The subject property is a 1½-story Bungalow, constructed in 1923. It is oriented east on NE 15th Avenue and elevated above the sidewalk with a one-car garage tucked under the northeast corner of the house. The house is listed as a contributing resource in the Irvington Historic District. The City's Transportation Plan designates NE 15th Avenue as a Transit Access Street, Neighborhood Collector Street, City Walkway, City Bikeway, and Major Emergency Response Street.

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 on **May 28, 2014**.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 28, 2014**. 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, on June 11, 2014, wrote that the committee reviewed the application and has no objections. See Exhibit F-1.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

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

Historic Resource Review Approval Criteria

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

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

Staff has considered all guidelines and addressed only those applicable to this proposal.

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.
- 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.
- 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.

Findings for 1, 2, 3, 4, 7, & 9: The purpose of the proposal is primarily to expand the driveway to allow for safe access to and from the homeowner's vehicle. The existing driveway was constructed at a time when personal vehicles were smaller than the vehicles of today as is not wide enough to provide off-street vehicle parking or access. The applicant desires to widen the driveway to allow off-street vehicle access, particularly because NE 15th Avenue is a very busy street as well as a transit corridor. In order to widen the driveway two existing retaining walls, as well as some earth, will be removed. Staff does not consider the existing retaining walls or earth to be significant features whose removal will undermine the character of the historic property. The new retaining walls will be constructed of concrete, to match the foundation of the house, but will be differentiated primarily by the introduction of permeable concrete pavers for the driveway surface and a vertical cable rail system, which is required by current building codes. Staff notes the existing stair and retaining walls on this property and many others in the district do not include handrails as they were constructed prior to the building code requirements. The essential form and integrity of the majority of the historic resource will remain unchanged. *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.
- 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 for 5 & 6: No chemical treatments are proposed and digging will be at a minimum. *These criteria are not applicable.*

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: As noted above, the new retaining walls will be constructed of concrete to match the existing foundation. Concrete retaining walls are common throughout the Irvington Historic District. While the proposed driveway is wider than the original driveways found throughout the district, staff notes that many driveways and landscape retaining walls in the district have been altered over the years to accommodate modern needs and desires. Staff does not believe that the proposal is incompatible with the district as it is proposed in the historic location and is to be constructed on similar materials. In addition, the proposal includes pony walls to minimize the view of the driveway from the street. Potential frontage zone plantings in front of the pony walls and the proposed stepped planter along the stair will also help to soften these views. Staff notes that while vertical cable rail systems may not be common in the district, the vertical cables mimic the verticality on the existing porch balustrade; in addition, the slender cables will allow more views through the system to the historic resource than would a heftier metal or wood balustrade.

Staff notes that the plans show the existing stair, which projects into the right-of-way, to remain and the proposed concrete pavers to extend into the right-of-way; neither is allowed without approval from the Bureau of Transportation. In November 2013, the applicant applied for and received approval for a Revocable Encroachment Permit to allow the existing stair to remain. The Revocable Encroachment Permit application also noted "a permeable paver area to connect the driveway/patio to the street curb cut." The application further notes that "nothing new is happening from the property side of the sidewalk to the street." Staff believes that these two sentences are contradictory as one refers to pavers between the driveway/patio and the street and the other states that nothing new is happening between the property and the street. Thus, staff has confirmed that PBOT has not granted approval for the permeable pavers to be located in the right-of-way. The permeable pavers would be a non-standard improvement in the right-of-way and are therefore subject to historic resource review. While staff supports the retention of the existing historic stair and installation of permeable pavers on the subject property, the installation of permeable pavers in the right-of-way is not supported as it would not be consistent with the sidewalk pattern throughout the Irvington Historic District. *With the condition of approval that the portion of the driveway extending into the right-of-way shall be constructed of concrete to match the adjacent sidewalk, 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 applicant proposes to widen the existing driveway in order to allow the safer access to and from the homeowner's vehicle which currently cannot be accommodated on-site due to the narrow width of the driveway. The proposal includes new concrete retaining walls which are in keeping with the historic resource and the district, a stepped landscape planter and metal and cable railing system to meet building code regulations. The metal and cable railing is differentiated from the historic porch balustrade in materiality, while mimicking the verticality and allowing views through the system to the historic resource. The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION


Approval of exterior alterations in the Irvington Historic District to include:

- Widening the existing driveway and constructing new concrete retaining walls to include stepped planters at the south retaining wall;
- Steel and cable handrail system at the south and north retaining walls to protect against falling; and
- Permeable concrete pavers at the driveway.

This approval is per the approved site plans, Exhibits C-1 through C-9, signed and dated June 25, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 13-233018 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. The portion of the driveway extending into the right-of-way shall be constructed of concrete to match the adjacent sidewalk.

Staff Planner: Hillary Adam

Decision rendered by:  **on June 25, 2014**

By authority of the Director of the Bureau of Development Services

Decision mailed June 27, 2014

Procedural Information. The application for this land use review was submitted on November 27, 2013, and was determined to be complete on **May 15, 2014**.

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 November 27, 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. Unless further extended by the applicant, **the 120 days will expire on: September 11, 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.

Recording the final decision.

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **June 27, 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.

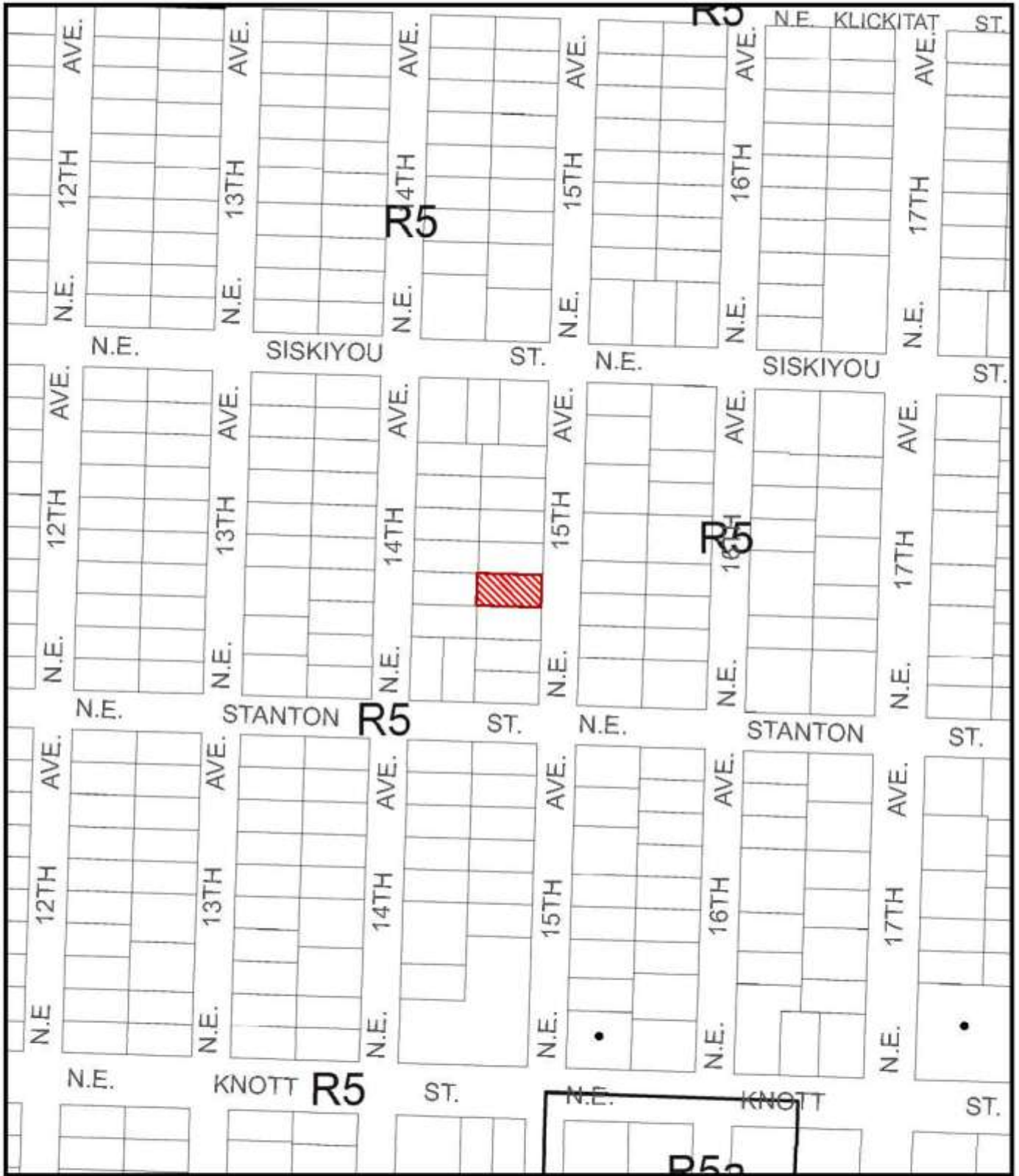
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 1. Narrative
 2. Original Submittal Drawings
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Plan
 3. Context Images
 4. Context Images

5. Context Images
 6. Front Elevation (attached)
 7. Sections
 8. Sections
 9. Materials Sheet
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on June 11, 2014, wrote that the committee reviewed the application and has no objections.
- G. Other:
1. Original LU Application
 2. Incomplete Letter, dated December 10, 2014
 3. National Register Information
 4. Revocable Encroachment Permit application, dated November 12, 2013

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 13-233018 HR
 1/4 Section 2732
 Scale 1 inch = 200 feet
 State_id 1N1E26AC 5100
 Exhibit B (Dec 03, 2013)

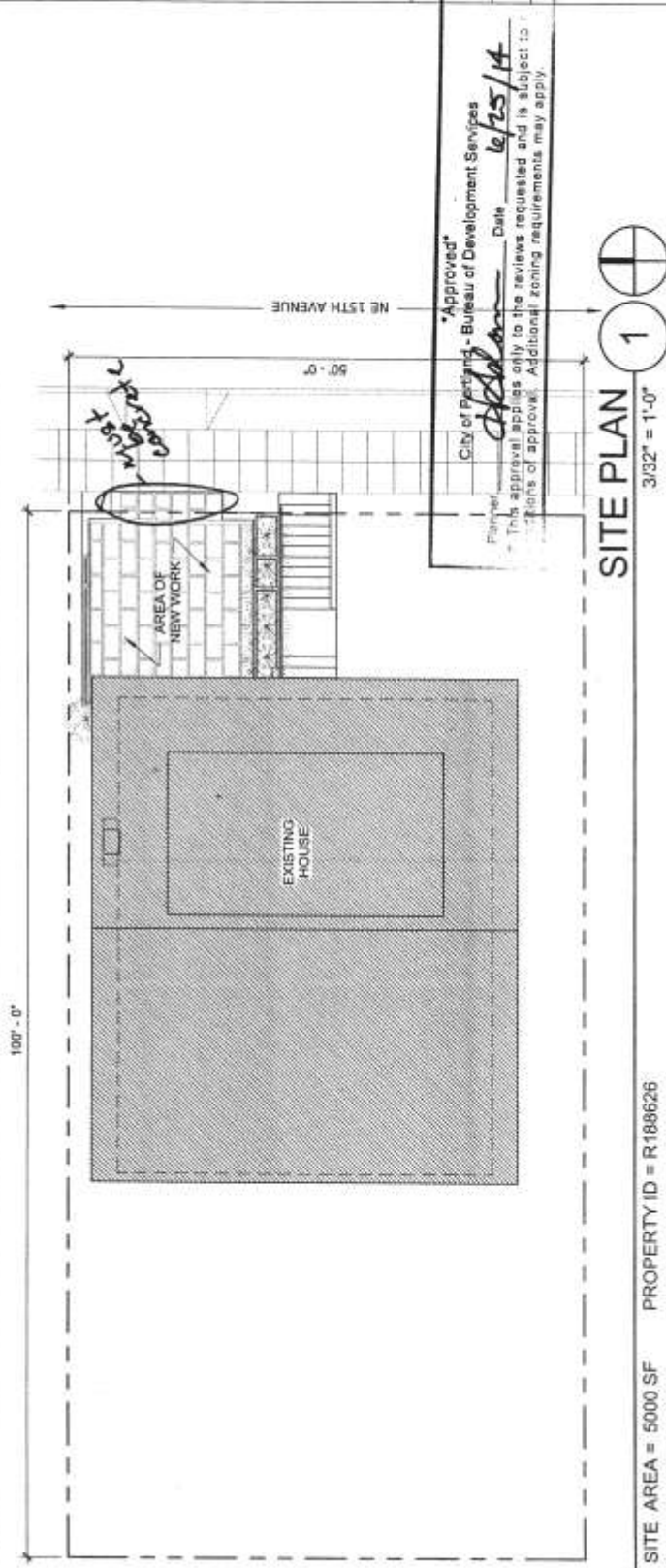
NEW RETAINING WALLS

RANJY THOMAS



DRAWING LIST

A0.01	DRAWING LIST & SITE PLAN
A1.01	PLAN
A1.03	IRVINGTON NEIGHBORHOOD CONTEXT
A1.04	IRVINGTON NEIGHBORHOOD CONTEXT
A1.05	IRVINGTON NEIGHBORHOOD CONTEXT
A2.01	FRONT ELEVATION
A3.01	SECTIONS
A3.02	SECTIONS
A4.01	MATERIAL EXAMPLES



Approved
 City of Portland - Bureau of Development Services
 Planner: *Alison* Date: *6/25/14*
 This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.



ARCHITECTURE
 INTERIORS
 LANDSCAPE
 417 NE 15TH AVENUE, PORTLAND, OR, 97214
 (503) 476-5746
 www.propelstudio.com

NEW RETAINING WALLS
 RANJY THOMAS
 2935 NE 15TH AVENUE, PORTLAND, OR 97212

REVISIONS
 ISSUE DATE MAY 22, 2014
 PROJECT # 13-007
 DRAWING LIST
 & SITE PLAN
A0.01

SITE AREA = 5000 SF PROPERTY ID = R188625

C-1



ARCHITECTURE
INTERIORS
LANDSCAPE

437 39 15TH AVENUE, PORTLAND, OR 97214
www.propelstudio.com (503) 479-5194

NEW RETAINING WALLS

RANJY THOMAS

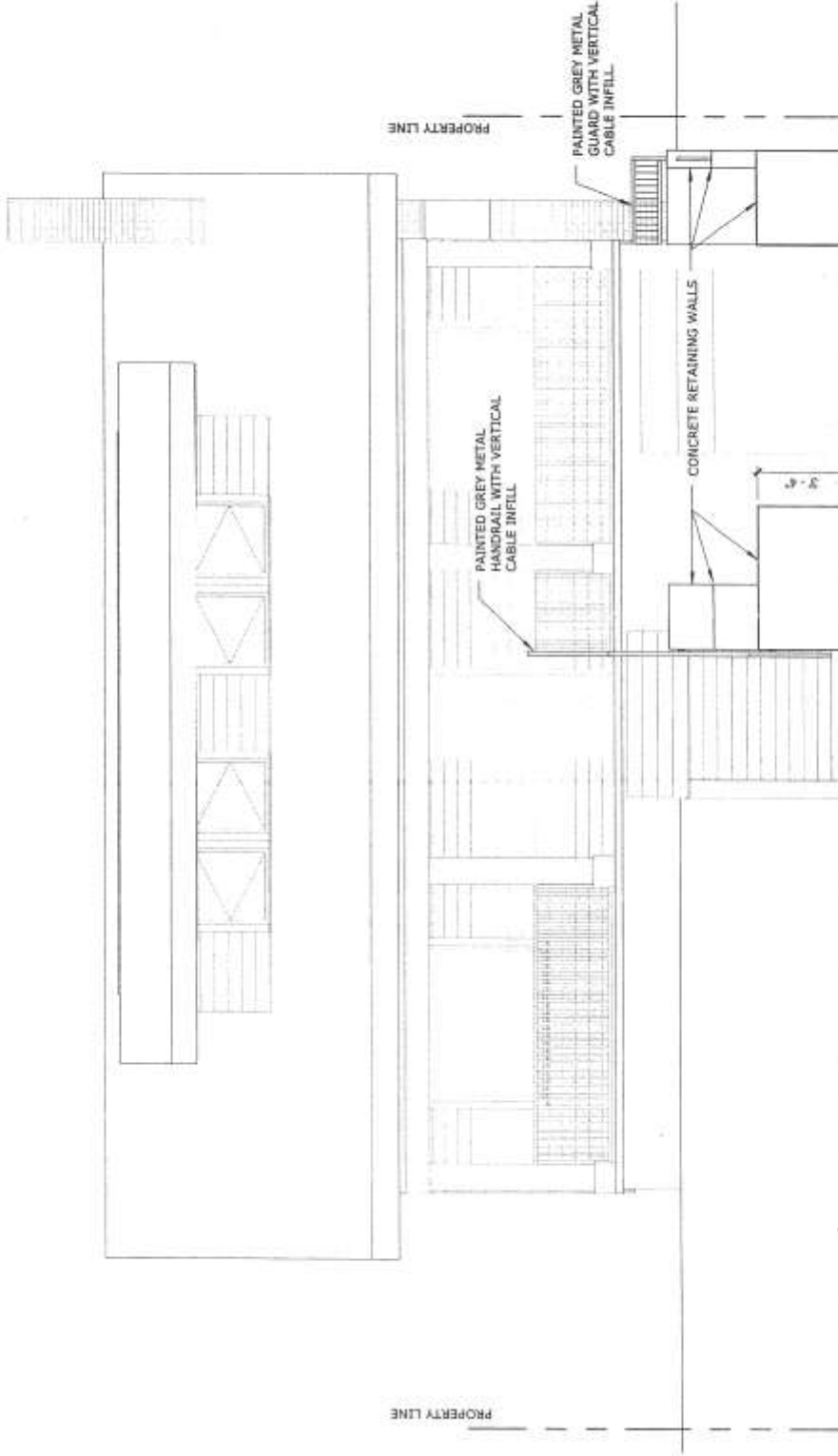
2935 NE 15TH AVENUE, PORTLAND, OR 97212

REVISIONS

ISSUE DATE MAY 22, 2014
PROJECT # 13-007

FRONT
ELEVATION

A2.01



Approved: **1**
 City of Portland, Oregon
EAS ELEVATION
 Date: **05/21/14** Scale: **1/8" = 1'-0"**
 This approval applies only to the reviews requested and is subject to conditions of approval. Additional zoning requirements may apply.

6/16