



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

FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
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Date: August 11, 2014
To: Interested Person
From: Hillary Adam, Land Use Services
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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 13-224886 HR – NEW PORCH RAIL

GENERAL INFORMATION

Applicant: Melissa Wortman
Full Circa Inc
4404 NE 16th Ave
Portland, OR 97211

Owner: Sarah S Thomas
Christopher P Thomas
2611 NE 12th Ave
Portland, OR 97212-4145

Site Address: 2611 NE 12TH AVE

Legal Description: BLOCK 89 LOT 4&5, IRVINGTON
Tax Account No.: R420420660
State ID No.: 1N1E26BD 19000
Quarter Section: 2731

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 a new 36-inch high porch rail at the front (east) and side (south) façades of the 2nd floor wraparound porch, consisting of crisscross bars and lap siding. The new rail will be designed to closely resemble the first floor wood rail but will be constructed of iron with a PVC top rail, pedestals, and pedestal caps, and decking.

Historic resource review is required because the proposal is for a non-exempt alteration 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 specified in the Portland Zoning Code. The relevant approval criteria are:

- 33.846.060.G *Other approval criteria*

ANALYSIS

Site and Vicinity: The subject property is oriented east on NE 12th Avenue. Known as the Ernest & Elizabeth Spencer House, it was constructed in 1884 at a location near the foot of the Broadway Bridge and was originally designed in the Italianate/Eastlake style. It was moved to its current location in 1911, at which time a front wraparound porch replaced the original porch and the design was simplified by removing much of the exterior ornament. A previously existing 2nd floor porch was removed in the late 1980s after it became deteriorated.

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 that prior land use reviews include the following:

- LU 13-151247 HDZ – Historic design review approval of a 2nd floor railing on the side façade.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **May 15, 2014**. The following Bureaus have responded with no issues or concerns about the proposal:

The Life Safety Division of BDS provided comments with on the originally proposed design, noting that it did not comply with Building Code requirements for height and maximum openings. Please see Exhibit E-1 for additional details.

Staff Response: Following these comments, staff worked with the applicant to revise the proposal to ensure compliance with the Building Code with minimal changes to the proposed design. See the findings below for more information.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 15, 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 May 28, 2014, wrote that the applicant had met with the Committee twice, reviewed the application and additional information several times, and noted the continued stewardship of the resource by the current owners. The Committee strongly recommended approval of the proposal. See Exhibit F-1 for additional information.

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.
- 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 1, 2, 3, 4, and 9: No historic materials are proposed to be removed. The proposed porch rail is designed to be a combination of the 1st floor porch rail and the previously existing 2nd floor porch rail removed in the 1980s. The applicant provided photos of the previously existing porch rail which showed that it consisted of a low wall clad with lap siding. The documentary evidence shows that a porch previously existed at the 2nd floor, thereby justifying its reconstruction. The resource will remain a record of its time, as the majority of the building will remain untouched and its essential form and integrity will be preserved. *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: No chemical treatments are proposed. *This criterion is not applicable.*

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: No ground surfaces will be disturbed. *This criterion is not applicable.*

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 railing and decking for the porch will be differentiated from the existing resource in that the proposed material is PVC, a contemporary material. The material features a wood grain to mimic the appearance of wood which will only reveal itself as a non-organic material upon close inspection. Staff has determined that the proposed material is an appropriate addition to this resource as it will resist rot and reduce maintenance and is proposed in a very limited application. *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.

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: Although 2nd floor porches are not that common in Irvington, one previously existed at this location. As noted above, the proposed porch rail is designed to be a combination of the historic crisscross 1st floor rail and the previously existing lap-sided 2nd floor rail and is therefore compatible with the historic resource. The proposal has a minimal impact on adjacent properties and the district as the intent is to restore the previously existing use of the 2nd floor porch. *These criteria are met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development

standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The purpose of the proposal is to restore the previously existing 2nd floor porch while providing a more open design than the prior design which consisted of lap siding. The relatively open crisscross pattern will allow better views to the historic resource beyond. The proposed material is differentiated from the historic materials and is applied in a very limited application and will give the appearance of wood. 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.

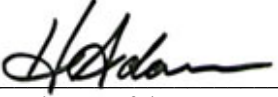
ADMINISTRATIVE DECISION

Approval of exterior alterations in the Irvington Historic District to include a new 36-inch high porch rail at the front (east) and side (south) façades of the 2nd floor wraparound porch, consisting of crisscross bars and lap siding. The new rail will be designed to closely resemble the first floor wood rail but will be constructed of iron with a PVC top rail, pedestals, and pedestal caps, and decking.

This proposal is per the approved site plans, Exhibits C-1 through C-6, signed and dated August 7, 2014, 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 13-224886 HR."

Staff Planner: Hillary Adam

Decision rendered by:  **on (August 7, 2014)**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 11, 2014

Procedural Information. The application for this land use review was submitted on November 5, 2013, and was determined to be complete on May 5, 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 5, 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 3, 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 **August 11, 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. Approval Criteria Response
 2. Original Drawing Set
 3. Completeness Response, dated May 4, 2014
 4. Photos of Existing and Previous Conditions
 5. Revised Proposal Narrative
 6. Images of PVC material
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Front Elevation (attached)
 3. South Elevation (attached)
 4. 2nd Floor Porch Plan
 5. Porch Details
 6. Porch Details
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Site Development Review Section of BDS
- F. Correspondence:
 1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on May 28, 2014, wrote that the applicant had met with the Committee twice, reviewed the application and additional information several times, and noted the continued stewardship of the resource by the current owners. The Committee strongly recommended approval of the proposal.
- G. Other:
 1. Original LU Application
 2. Incomplete Letter, dated November 19, 2014
 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



NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 13-224886 HR
 1/4 Section 2731
 Scale 1 inch = 200 feet
 State_Id 1N1E26BD 19000
 Exhibit B (Nov 06, 2013)

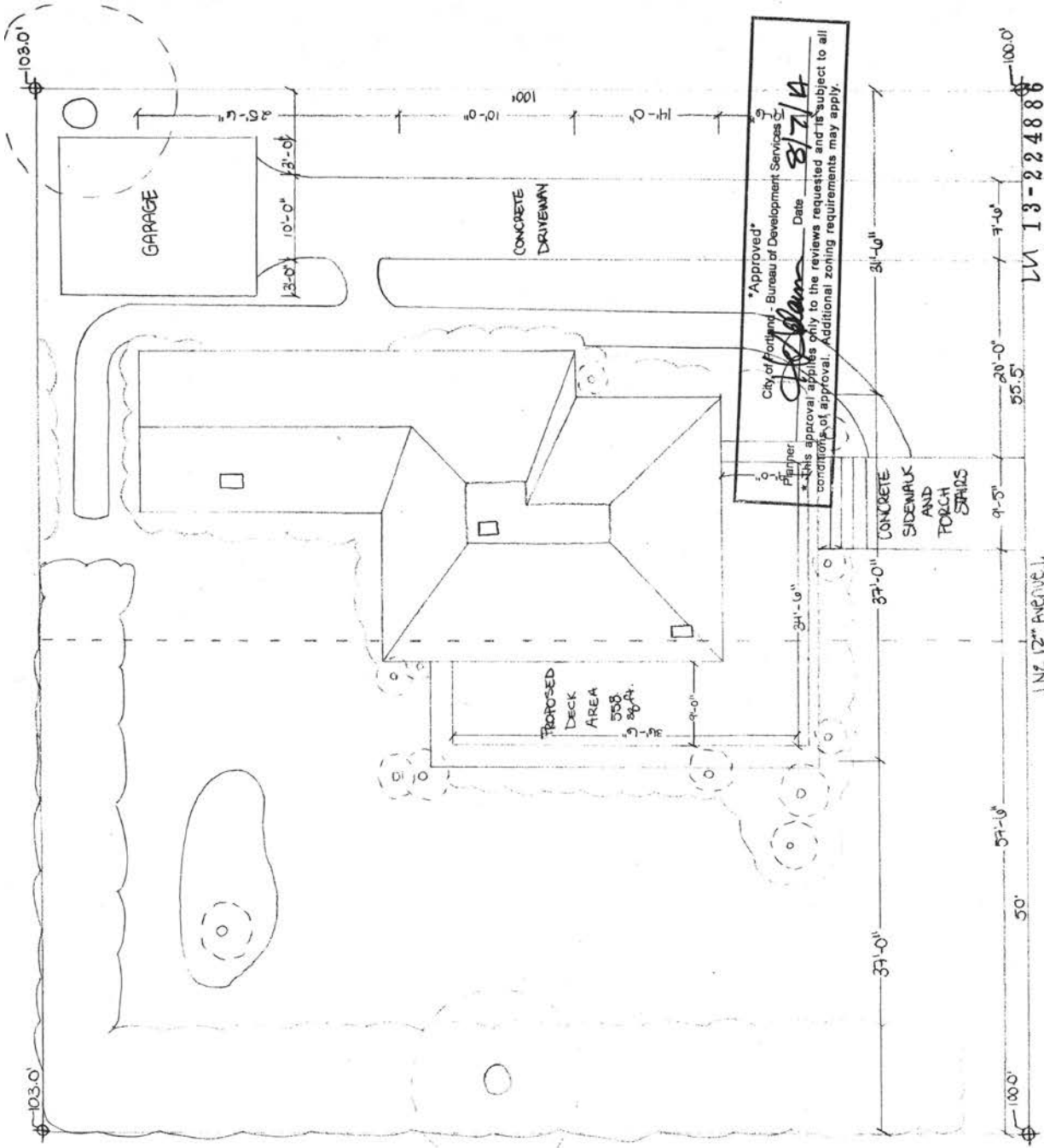
Lot Area 10,550 sq. ft.

INTERVIOUS AREA

DRIVEWAY	600 sq. ft.
ROOF AREA	505 sq. ft.
TOTAL	2140 sq. ft.

BUILDING COVERAGES

BUILDING FOOTPRINT 1458.5 sq. ft.



Approved
 City of Portland, Bureau of Development Services
 Planner: *[Signature]* Date: 8/7/14
 This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

SITE PLAN
 SCALE: 1" = 10'-0"
 → N

Thomas Project
 2101 NE 12th Avenue
 Portland, OR 97212

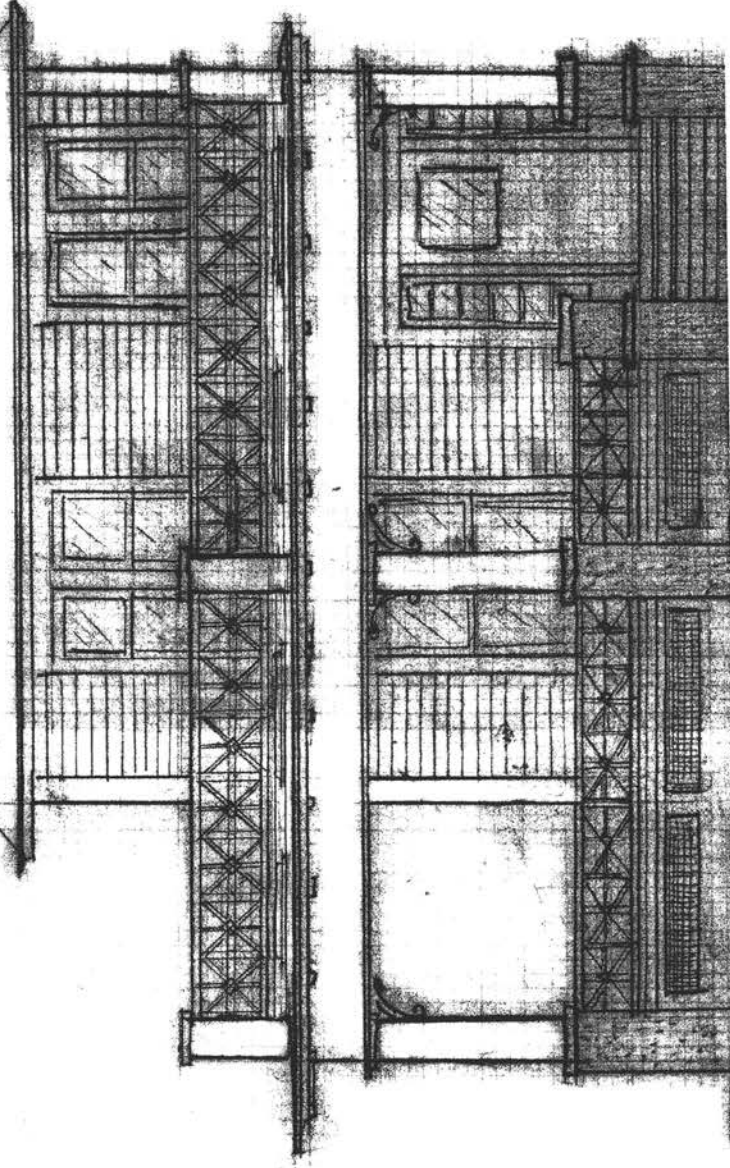
C-1
 LU 13-224886 HR

ANDREW KUKIJS
FULL CIRCA, INC.
1/4" = 1'-0" 8/3/14

CHRIS & SARAH THOMAS
CAPT. ERNEST W. and "LIZZY" IRVING SPENCER HOUSE



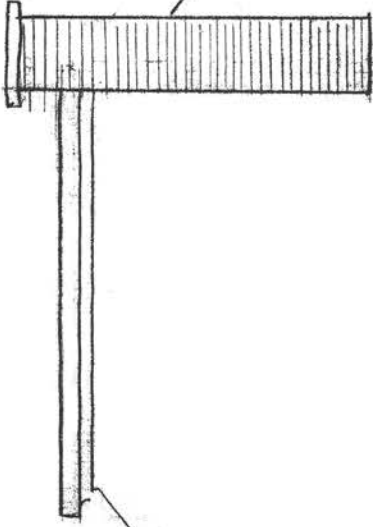
Approved
City of Portland - Bureau of Development Services
Planner *Adrian* Date *8/7/14*
* This approval applies only to the reviews requested and is subject to a conditions of approval. Additional zoning requirements may apply.



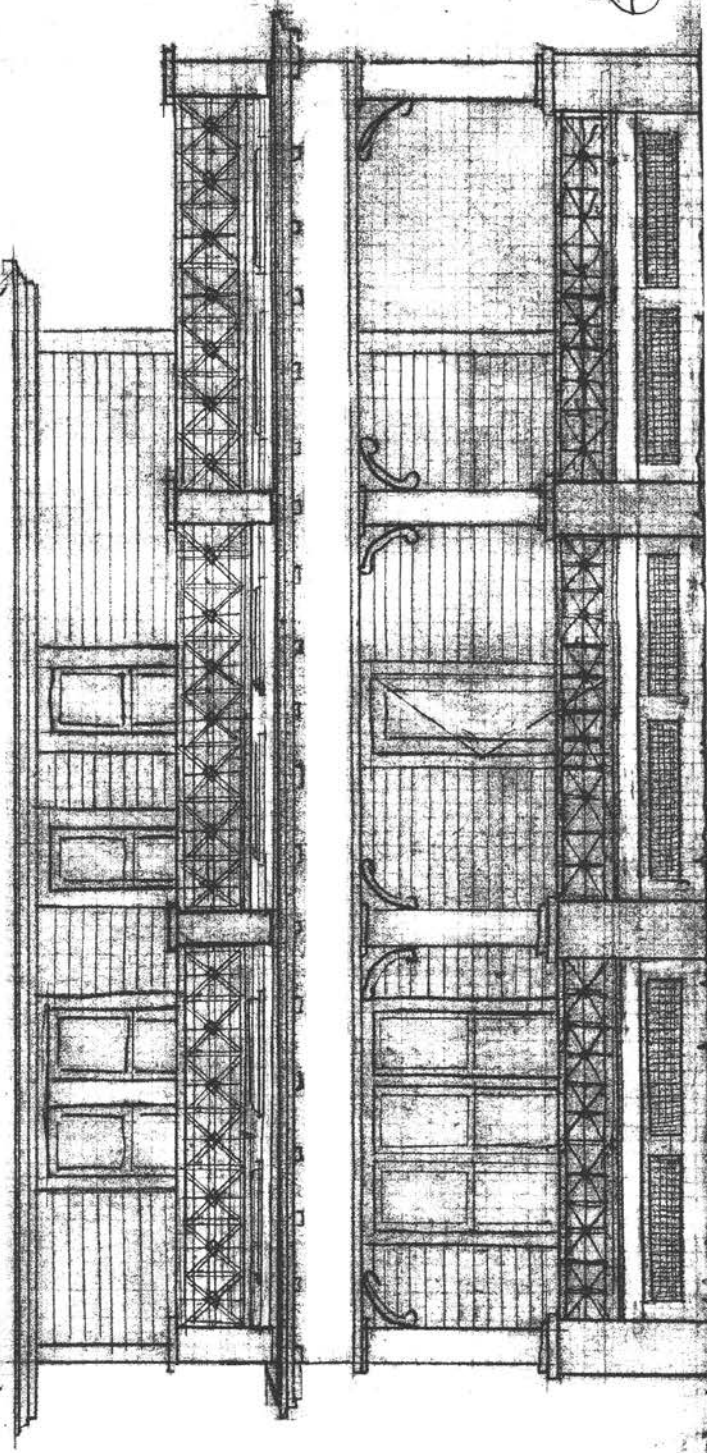
LU 13-224886 HR C2

ANDREW R. CURTIS
FULL CIRCA, INC.
1/4" = 1'-0" 8/3/14

CHRIS & SARAH THOMAS
CART, ERNEST W. and "LIZZY" TRYING SPENCER HOUSE



Approved
City of Portland - Bureau of Development Services
Planner: *P. Adam* Date: 8/7/14
This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



LU 13 - 224886 HR C-3