



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

FROM CONCEPT TO CONSTRUCTION

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**Date:** December 17, 2014  
**To:** Interested Person  
**From:** Chris Caruso, 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 **approved** a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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 14-210509 HR REPLACEMENT DRIVEWAY**

#### **GENERAL INFORMATION**

**Applicant/Owner:** Kenneth & Karen-Maria Conforti  
3012 NE 24th Ave.  
Portland, OR 97212-3457

**Site Address:** 3012 NE 24TH AVE

**Legal Description:** BLOCK 1 LOT 1, STANTON ST ADD  
**Tax Account No.:** R791500010  
**State ID No.:** 1N1E25BC 06500  
**Quarter Section:** 2733  
**Neighborhood:** Alameda, contact Jim Brown at 503-284-6455. 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:** Irvington Historic District

**Zoning:** R5 – Single-Dwelling Residential with Historic Resource overlay

**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 seeks Historic Resource Review approval for construction of a new 9 foot wide inclined portion of driveway scored and with steps in the center, on the site of a contributing 1930 English Cottage style house in the Irvington Historic District. The driveway will be

brushed, textured and colored to match the existing driveway which it is replacing. Historic resource review is required for alterations to historic resources, including site elements such as driveways if they are listed as part of a contributing resource.

**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 Historic Resource Review
- 33.846.060.G Other Approval Criteria

**ANALYSIS**

**Site and Vicinity:** The subject property is a one and one-half story English Cottage-style house. It was built in 1930 and is part of a pair of mirror image houses constructed about the southern property line. The site features a distinctive driveway with separate driving pads and a center section of concrete steps. It is designated as a contributing resource in the National Register of Historic Places documentation for the 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 within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

**Zoning:** The single-dwelling zones, including R5, are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

The Historic Resource Overlay zone 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.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **November 24, 2014**. Two responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, ICA Land Use Committee Chair, November 28, 2014 – no objections.
2. Faye Murphy, December 8, 2014 – no objections (via telephone).

## 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. 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 for 1 & 2:** Concrete driveways are site elements that require repair and replacement over time. The proposal for the wider driveway will not affect the historic character of the property as the visual impact of the driveway will be retained. The replacement driveway will have the same type of concrete texture, center steps in between wheel pads as the original driveway. It will also be colored darker to match the existing driveway so it does not appear stark white. The historic integrity of the house itself will be maintained as it exists today. No chemical or physical treatments are proposed that would damage adjacent historic materials on the house. *These criteria are therefore met.*

**3. 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 new concrete driveway and center steps are materials and forms present on similar houses throughout the historic district, including the matching house to the south. The new driveway and center steps are not conjectural features from other buildings. *This criterion is therefore met.*

**4. 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:** There is no expectation of disturbing significant archaeological resources. If any are encountered with the driveway replacement, the applicant will follow proper notification procedures. *This criterion is therefore 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:** The new concrete driveway and center steps will be slightly wider than the neighboring driveway and will also be constructed out of new materials. They will be textured and colored to match the original driveway but will still be able to be

differentiated from the older driveway that will remain on the lot to the south. *This criterion is 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 & 10:** Compatibility at all levels is achieved through three factors: the low visual impact of the change from textured concrete to a matching textured concrete; the location of the changes that allow retention of the high slope up to the house; and the similarity of the material and its orientation to other early driveways in the district. These factors allow the resource to remain compatible with adjacent properties and with the district as a whole. *These criteria are therefore 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 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. The proposed replacement driveway retains the historic character of the site and the house within the historic district. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

Approval of Historic Resource Review for construction of a new 9 foot wide inclined portion of driveway scored and with steps in the center on the site of a contributing 1930 English Cottage style house in the Irvington Historic District. The driveway will be brushed, textured and colored to match the existing driveway which it is replacing.

Approved, per the approved site plans, Exhibit C-1 signed and dated December 11, 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 Exhibit C-1. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-210509 HR."

**Staff Planner: Chris Caruso**



**Decision rendered by:** \_\_\_\_\_ **on December 15, 2014.**

By authority of the Director of the Bureau of Development Services

**Decision mailed (within 5 days of dec.) December 17, 2014**

**Procedural Information.** The application for this land use review was submitted on September 10, 2014, and was determined to be complete on **November 19, 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 September 10, 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: March 19, 2015**.

**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 **December 17, 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:

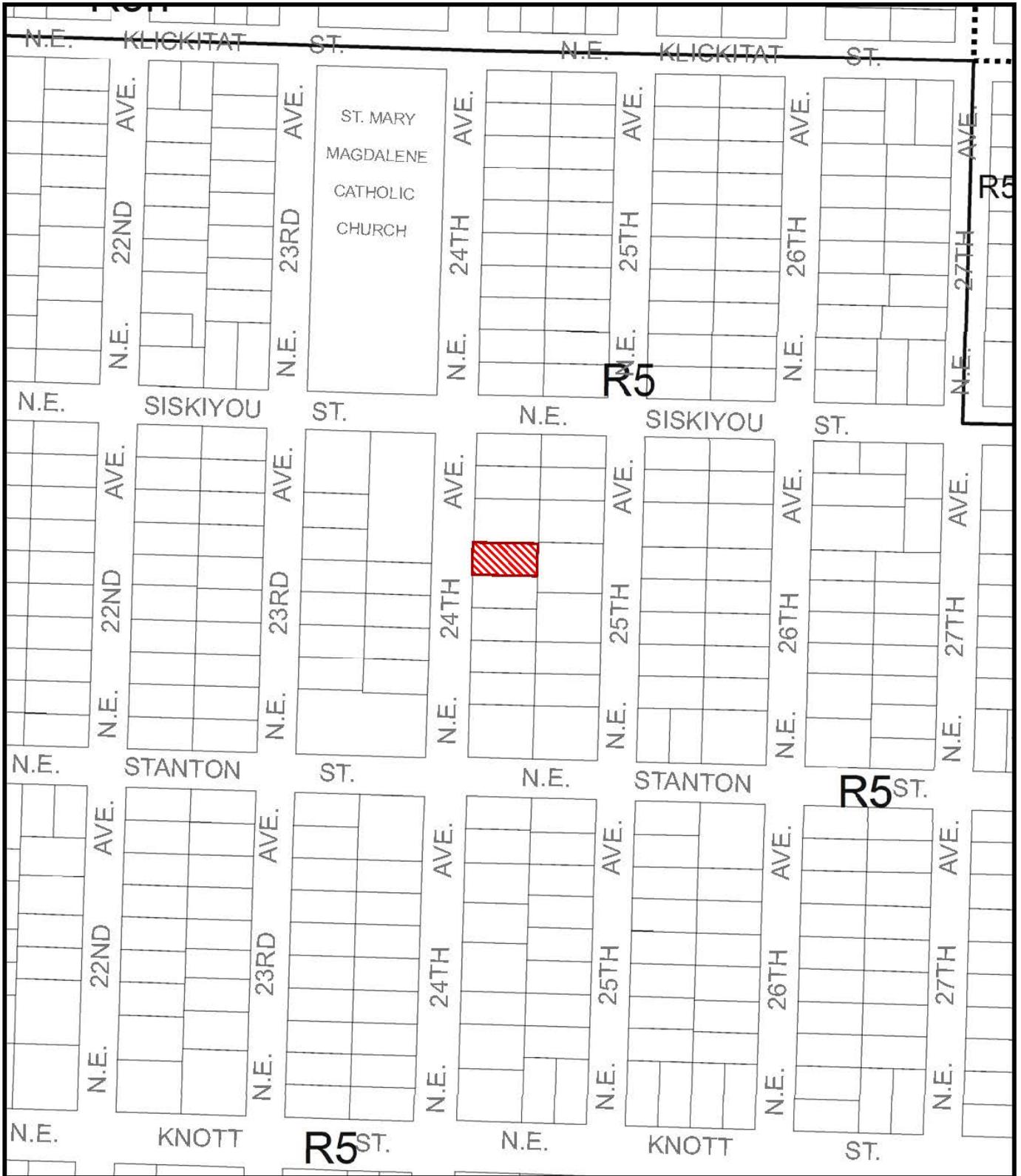
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement and Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan/Driveway Plan (attached)
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: No responses were required.
- F. Correspondence:
  - 1. Dean Gisvold, ICA Land Use Committee Chair, November 28, 2014, 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



This site lies within the:  
**IRVINGTON HISTORIC DISTRICT**

File No. LU 14-210509 HR  
 1/4 Section 2733  
 Scale 1 inch = 200 feet  
 State\_Id 1N1E25BC 6500  
 Exhibit B (Sep 10, 2014)

- DRIVEWAY

50'

SITE PLAN FOR  
3012 NE 24TH AVE  
PORTLAND OR 97212

HOUSE # 3012

GARAGE

10' DOOR  
OPENING

EXISTING  
LEVEL LANDING  
12'x26'

12'

EXISTING  
STEPS + WALKWAY

6 inch  
CURB

MIDDLE  
STEPS

3'

3'

3'

6 inch  
CURB

Rock + SHRUB GARDEN  
LANDSCAPING

INCLINE

\*Approved\*

City of Portland

Bureau of Development Services

Planner Chris

Date 12/15/14

\* This approval is only to the  
review of the project as submitted to all

Addition

SIDEWALK

32' INCLINE

2'

PLANTING STRIP

FENCE

NEW  
9' DRIVEWAY

50x100  
PROPERTY

GRASS

GRASS

(TREE)

GRASS

NE 24TH AVE

DRIVEWAY INCLINE:

- ORIGINAL LOOK + DESIGN WITH STEPS UP THE MIDDLE.
- WILL INCLUDE HORIZONTAL LINE FOR TIRE TRACTION AS BEFORE.
- WILL NOT BE BRIGHT WHITE.