



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

FROM CONCEPT TO CONSTRUCTION

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Date: January 26, 2015
To: Interested Person
From: Cassandra Ballew, 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.

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CASE FILE NUMBER: LU 14-243163 HR-REPLACING DOORS

GENERAL INFORMATION

Applicant: Jeffrey T Wallace,
3102 NE 9th Ave / Portland, OR 97212-2227

Owner: 3102 NE 9th Ave / Portland, OR 97212-2227

Site Address: 3102 NE 9TH AVE
Legal Description: BLOCK 100 LOT 11, IRVINGTON
Tax Account No.: R420422530
State ID No.: 1N1E26BA 07600
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.

Other Designations: Irvington Historic District
Zoning: R5, Single Dwelling Residential 5000
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 to remove two deteriorating doors on the south façade of a 1929 bungalow which is a contributing resource in the Irvington Historic District. The proposed work includes:

- Removing 2 sets of non-historic multi-paned wooden doors on the south façade.
- Installing 2 sets of new doors in the same openings. One is a set of double French doors and other is a single door of the same style. Both sets of doors will be

- purchased from Anderson Doors/Windows and will be wood, multi-paned, and painted white to match the original doors; and
 - Reusing the existing wood trim around both doors.

Exterior renovations to existing buildings in historic districts require historic resource review.

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 Historic Reviews
- 33.846.060.G Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject resource, a one and one-half story bungalow style house on a standard 50' x 100' lot, was built in 1929 and retains a majority of its original exterior material and detailing. The site is a standard 5,000 SF residential lot with the front of the house facing NE 9th Avenue. The proposed removal and replacement of the two existing doors faces the southern portion of the lot with fronts NE Siskiyou Street. The Portland Transportation System Plan designates NE 9th Avenue and NE Siskiyou Street as Local Service Walkways and Local Service Bikeways. There are no Transit or Traffic designations for this street and the site is not within a Pedestrian 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.

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.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **January 12, 2015**. One written response has been received from the Neighborhood Association in response to the proposal.

1. Dean Gisvold, ICA Land Use Committee, January 14, 2015 – The ICA Land Use Committee has no objections to the application.

ZONING CODE APPROVAL CRITERIA

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.

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 1, 8 & 10: The new doors proposed for the south facade of the house will not alter the historic character of the property as the new elements will match existing architectural features in materials and style. The proposed new wood doors will match existing elements on the house in form and type, making them compatible with the size, scale, and architectural features present in this 1929 bungalow style house. The new windows are compatible with the original structure, with adjacent residential properties, and with the rest of the Historic District by the matching of typical historic profiles and materials. *These criteria are therefore 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 new doors will compliment similar features existing on the house and are not conjectural additions of elements from other buildings. The proposed alterations do not affect the resource's physical record of its time, place and use as it

will remain a single-family home in the period style. The new doors will retain the multi-paned divisions of the existing doors as well as the overall style seen on the house today. *This criterion is therefore met.*

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

Findings: The non-historic multi-paned wood doors have not acquired historic significance. The new wood doors match other features present on the house and do not adversely affect the historic character of the resource. *The criterion is therefore met.*

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.

Findings: No deteriorated features will be affected by this proposal. *This criterion is not applicable.*

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 or physical treatments are proposed and surrounding historic material will remain in place. *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: There is no ground disturbance proposed with this work so no resources are expected to be found. *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 proposed new doors will match existing features on the house in style, profile and composition, but will be fabricated out of new material, giving them a less weathered appearance which will differentiate them from older elements on the building. Existing historic material will not be destroyed and existing historic trim around both door opening will be retained. *This criterion is therefore met.*

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: There is no new construction proposed for this site. *This criterion does not apply.*

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 new doors and removal of non-historic doors is a sensitive alteration to the south façade that maintains the historic form of the house so as to not compromise the historic character of Irvington Historic District. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION


Approval of historic resource review for exterior alterations to a 1929 bungalow style house which is a contributing resource in the Irvington Historic District, to include the following:

- Removing 2 sets of non-historic multi-paned wooden doors on the south façade.
- Installing 2 sets of new doors in the same openings. One is a set of double French doors and other is a single door of the same style. Both sets of doors will be purchased from Anderson Doors/Windows and will be wood, multi-paned, and painted white to match the original doors; and
- Reusing the existing wood trim around both doors.

Approval per the approved site plans, Exhibits C-1 through C-3, signed and dated January 21, 2015, 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.3. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-243163 HR ."

Staff Planner: Cassandra Ballew

Decision rendered by:  **on January 21, 2015**

By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) January 26, 2015

Procedural Information. The application for this land use review was submitted on December 1, 2014, and was determined to be complete on **December 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 December 1, 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. 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: May 26, 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.

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 **January 26, 2015**. 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:

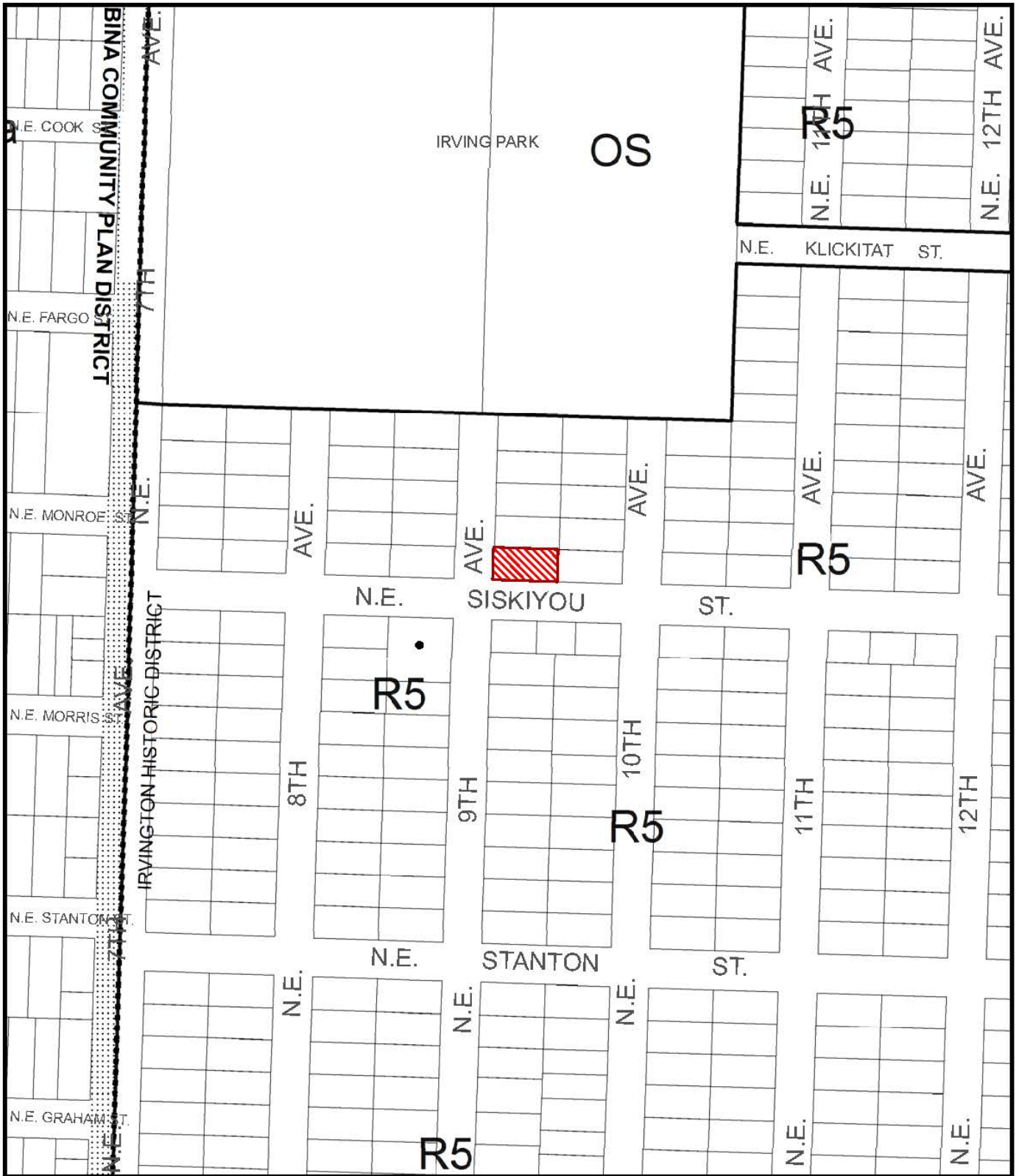
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Photos of existing doors
 - 3. Specifications for new doors
- 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, January 14, 2015 – The ICA Land Use Committee has no objections to the application.
- 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



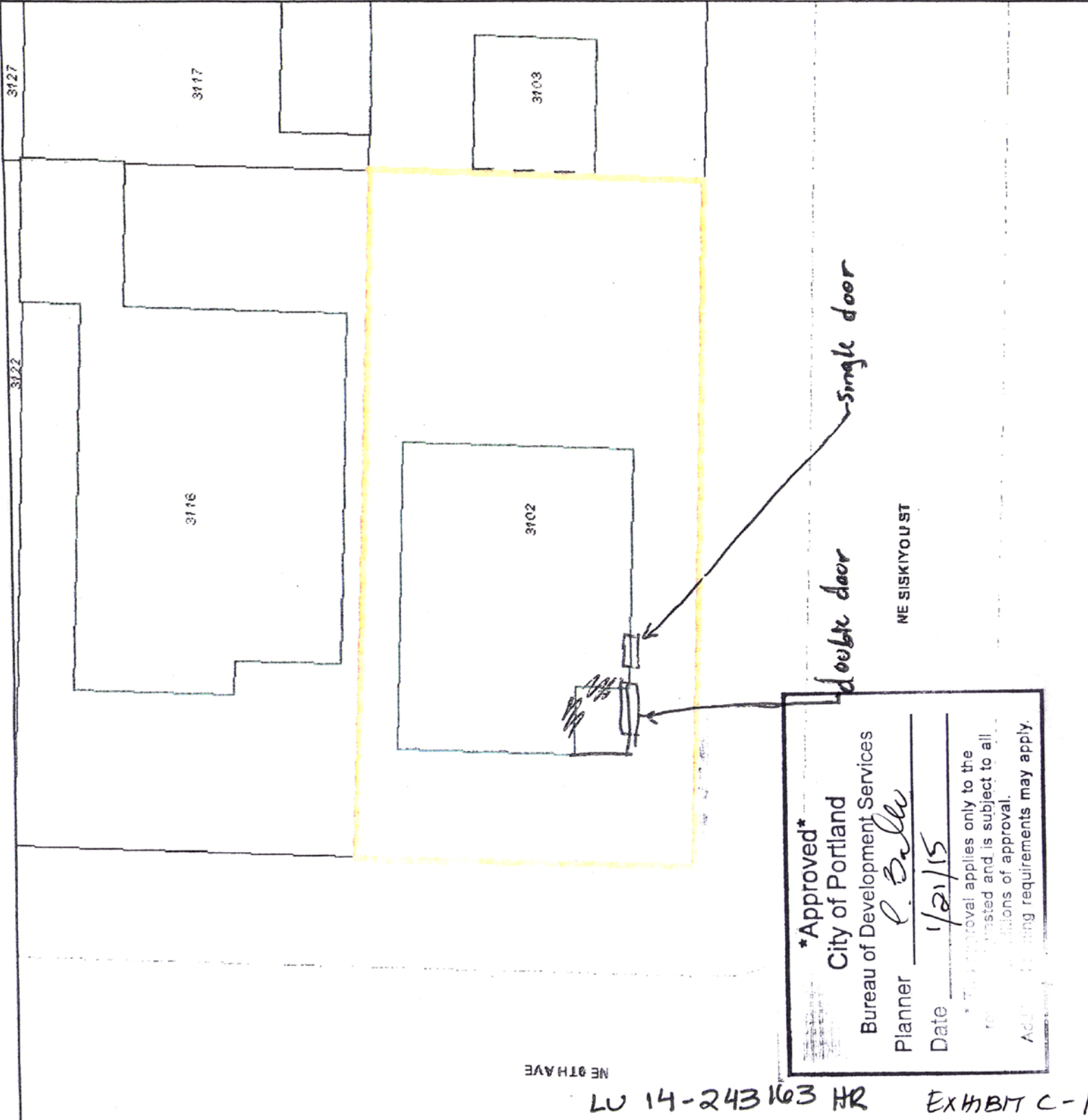
Historic Landmark



This site lies within the:
IRVINGTON HISTORIC DISTRICT

File No. LU 14-243163 HR
 1/4 Section 2731
 Scale 1 inch = 200 feet
 State_Id 1N1E26BA 7600
 Exhibit B (Dec 02, 2014)

Irvington Historic District
3102 NE 9th Avenue
Block 100
Lot 11



Approved
City of Portland
Bureau of Development Services
Planner P. Ballu
Date 1/21/15
* This approval applies only to the
request stated and is subject to all
regulations and conditions of approval.
Additional zoning requirements may apply.

NE 9TH AVE

LU 14-243163 HR

EXHIBIT C-1