



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

FROM CONCEPT TO CONSTRUCTION

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Date: May 12, 2015
To: Interested Person
From: Arthur Graves, 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 15-134060 HR: DETACHED GARAGE AND WINDOW ALTERATIONS

GENERAL INFORMATION

Applicant: Sue Firpo | SL Firpo Design/Craft | 503.758.6928
420 NE 56th Avenue | Portland, Oregon 97213

Owner: Robert H Abrams
3306 NE 13th Avenue | Portland, OR 97212-2205

Site Address: 3306 NE 13th Avenue

Legal Description: BLOCK 71 LOT 11, IRVINGTON
Tax Account No.: R420415250
State ID No.: 1N1E26BA 01100
Quarter Section: 2731
Neighborhood: Sabin Community Assoc., contact Rachel Lee at 503-964-8417. 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 info@necoalition.org
Other Designations: Contributing resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.

Zoning: R5: Single-Dwelling Residential Zone
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 alterations to a contributing 1925 residence in the Irvington Historic District. The alterations include the following:

- Addition of new single story detached garage, approximately 19'-0" x 16'-0" in dimension, located at the northeast corner of the site and to be accessed from the existing driveway.
- Removal of an existing non-original aluminum sliding window from the second story north elevation to be replaced by three wood double-hung windows in approximately the same location.
- Removal of existing east chimney flue – this is exempt from Historic Resource Review as it is not the primary chimney. The roof area will be repaired to match existing. The existing fireplace chimney on the south elevation will remain.
- The proposed addition of a skylight is exempt from Historic Resource Review, per 33.445.320.B.12.b, because it is proposed to be installed on the portion of the roof that faces the rear lot line.

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 contributing structure sits on a 5,000-square-foot site adjacent to NE Klickitat Street, a paved pedestrian path near the heart of the Irvington Historic District. Constructed in 1925, the Bungalow style residence is located between NE Fremont Street (to the north) and NE Siskiyou Street (to the south) and NE 13th Street (to the west) and NE 14th Street (to the east).

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 address. 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.

Regarding area amenities in proximity to the site, while the structure is located well within the Irvington Neighborhood it is still within a five minute walk (approximately a quarter-mile) of a number of resources. Amenities include Irvington Park to the west, and a grocery store, cafes and restaurants to the north.

Regarding transportation, the site is serviced by a number of transportation options. Public bus transit is within a five minute walk from the site, a block to the north the #24 runs on NE Fremont Ave. and frequent service (considered every 15 minutes or better by Trimet) is provided by the #8, two blocks away to the east, on NE 15th Ave. NE Klickitat Street and NE 15th Ave also serve as city bikeways under the regional transportation service plan (TSP), providing bike infrastructure to the community.

Zoning:

The single-dwelling zones, including the Residential 5,000 (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 Protection 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.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **April 13, 2015**. No Bureaus have responded with comments.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 13, 2015**. Two written responses have been received from either Neighborhood Associations or notified property owners in response to the proposal.

1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on April 27, 2015, wrote with no objections provided the applicant's garage is the requisite setback from the property line. See Exhibit F-1 for additional details.

Staff response: The proposed garage meets the requirements of Title 33 of the Portland Zoning Code (PZC), 33.120.283.D regarding "Side and rear setbacks" - allowing it to be in the setbacks. In addition, staff advised the applicant in an April 23, 2015 email to speak with Bureau of Development Services Life/Safety to further ensure that the proposed garage and subsequent "minor features" as noted in PZC 33.120.220.D.1 are compliant to setback regulations. Staff also provided the applicant with BDS Life/Safety's ORSC Section 302.1 - Eaves and Exterior Wall Protection sheet (see Exhibit G-4). The proposed garage reflects meeting these criteria.

2. Rachel Lee, Chair of the Sabin Land Use & Transportation Committee, on April 27, 2015, wrote in support of the proposal, noting that the Committee supports maintenance of housing stock and reasonable alterations that make existing dwellings more livable. See Exhibit F-2 for additional details.

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.
- 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, 2, 3 and 10: The proposed alterations to the 1925 contributing resource will retain and improve upon the existing historic character of the structure and the greater site and Historic District as a whole. The removal of a non-original aluminum sliding window from the second floor on the north façade to be replaced with a three wood double-hung windows is a modest but appropriate improvement to the non-street facing façade of the residence. The proposed wood double-hung windows are similar in scale and style to existing original windows on the structure. In addition, the proposed windows are to be aligned with existing windows on the first floor, helping to maintain the architectural symmetry and balance to this elevation. The proposed single story garage will match the existing residence's trim, siding and bracket ornamentation so as to not impact the historic character of the contributing structure. Other features proposed for the garage such as the windows and doors, including the roll up door, will all be wood and consistent with features found on the principle structure. Neither the garage nor the alterations to the windows on the north façade will impact features on the property that have acquired historic significance. Alterations proposed to the contributing resource as well as the site as a whole are substantial and contribute to the architectural value to the property. The stated alterations do not create a false sense of historic development but rather are compatible with the existing resource and improve on the current site to the benefit of the immediate residents, surrounding neighbors and entire Irvington Historic District as a whole. *Therefore these criteria are 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.
- 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 for 4 and 5: The proposed alterations to the contributing resource will remove a non-original feature, an aluminum sliding window, from the structure and replace it with three wood double-hung windows of similar proportion and style. The proposed alterations will not impact historic materials, and chemical or physical treatments will not be used. *Therefore these criteria are met.*

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 significant earth disturbance is proposed. *Therefore, 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.

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.

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 7, 8 and 9: The proposed alterations including the installation of new wood double hung windows on the second story of the north façade and the construction of a new detached garage in the northeast corner of the property will be architecturally compatible with, and respectful of, the contributing resource. The wood double hung windows will replace an existing non-original aluminum window on the second story providing improved architectural character to the north façade that is more in scale, mass and style with other original windows on the resource. Similarly, the proposed garage addition to the northeast corner of the site is a size, scale and style that is consistent with the characteristics of the main resource regarding roof pitch, siding, trim, eave brackets as well as window and door treatments. While the proposed garage draws heavily from the style and characteristics of the contributing resource its modest size, scale and location also acknowledge its the secondary status on the site helping to further preserve the form and integrity of the contributing resource. *Therefore 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 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 including the removal of an existing non-original window to be replaced with three wood windows and the construction of a proposed new garage within the northeast setback, per the approved site plans, Exhibits C-1 through C-6, signed and May 07, 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.6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-134060 HR." **No field changes allowed.**

Staff Planner: Arthur Graves



Decision rendered by: _____ **on Thursday, May 07, 2015**
By authority of the Director of the Bureau of Development Services

Decision mailed Tuesday, May 12, 2015.

Procedural Information. The application for this land use review was submitted on March 16, 2015, and was determined to be complete on **April 9, 2015.**

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 March 16, 2015.

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: Friday, August 07, 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 **Tuesday, May 12, 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;

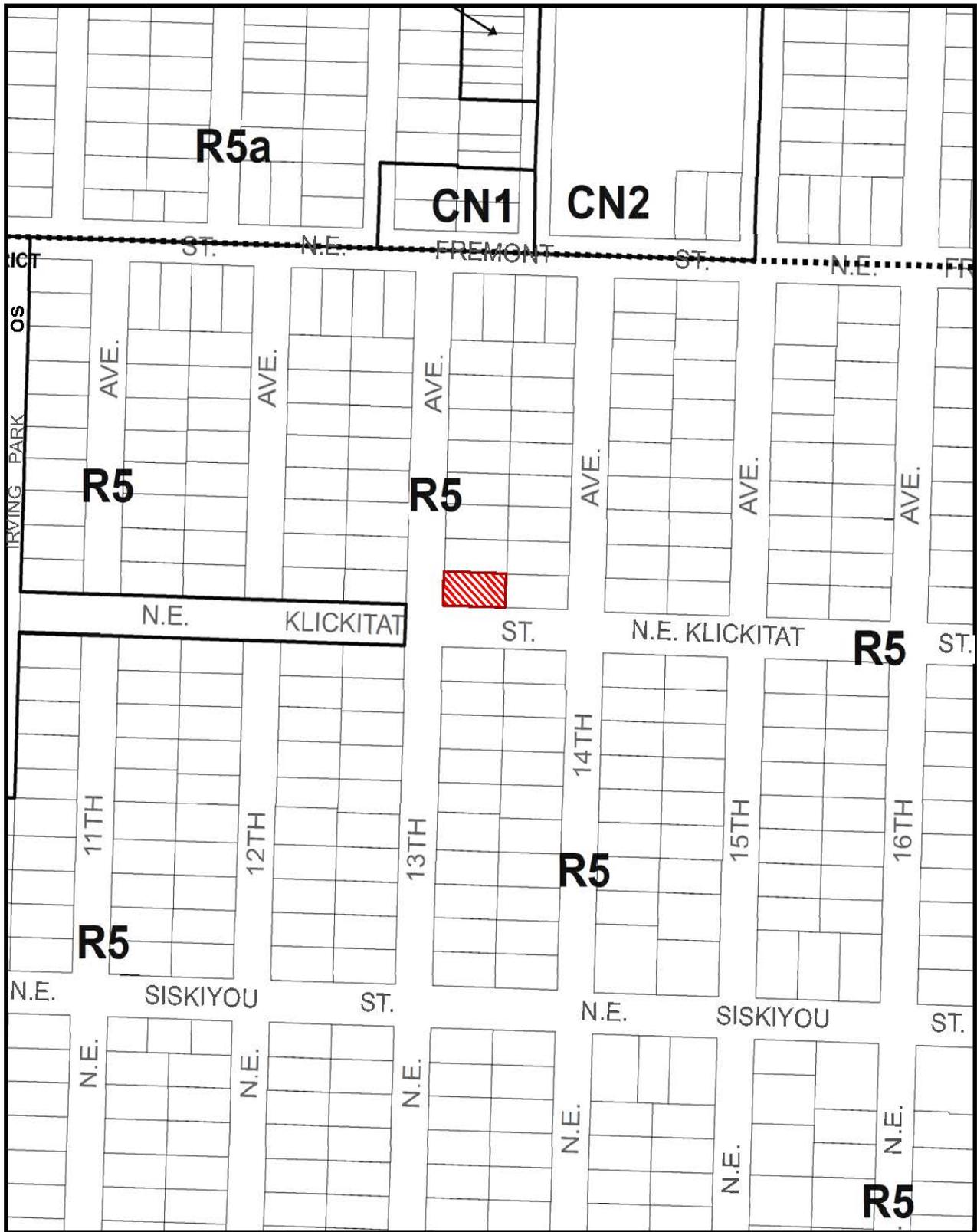
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's Statement
 - 2. Applicant's Site Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Elevations: Existing (attached)
 - 3. Elevations: Proposed (attached)
 - 4. Sections and Details
 - 5. Manufactures' specifications and cut sheets: Wood Windows and Door
 - 6. Manufactures' specifications and cut sheets: Wood Garage Door
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
 - 1. Dean P. Gisvold, on behalf of the Irvington Neighborhood Association, received April 27, 2015.
 - 2. Rachel Lee, on behalf of the Sabin Community Association, received April 27, 2015.
- G. Plans/Drawings:
 - 1. Original LU Application
 - 2. Site Visit Photos
 - 3. Oregon Historic Site Record
 - 4. BDS Life/Safety's ORSC Section 302.1 – Eaves and Exterior Wall Protection sheet

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



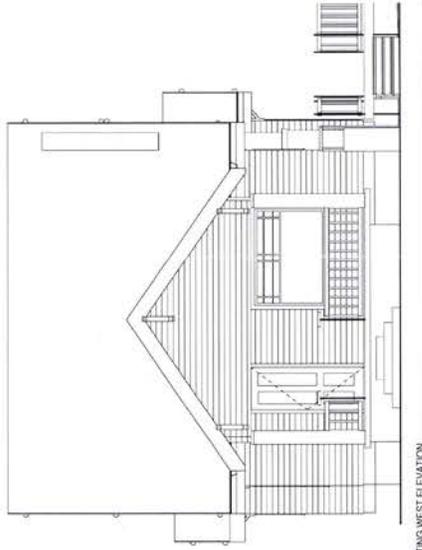
Site



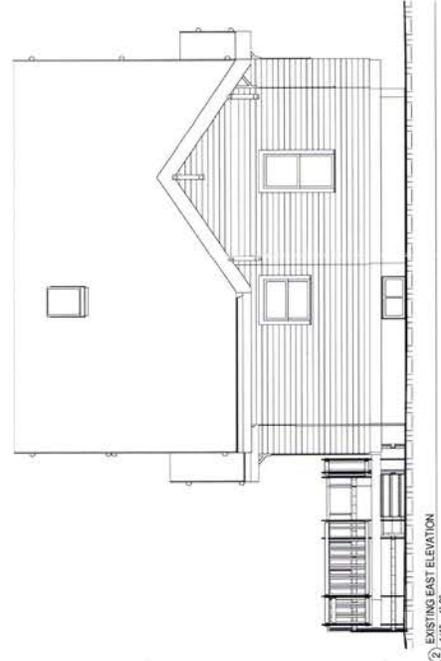
NORTH

This site lies within the:
IRVINGTON HISTORIC DISTRICT

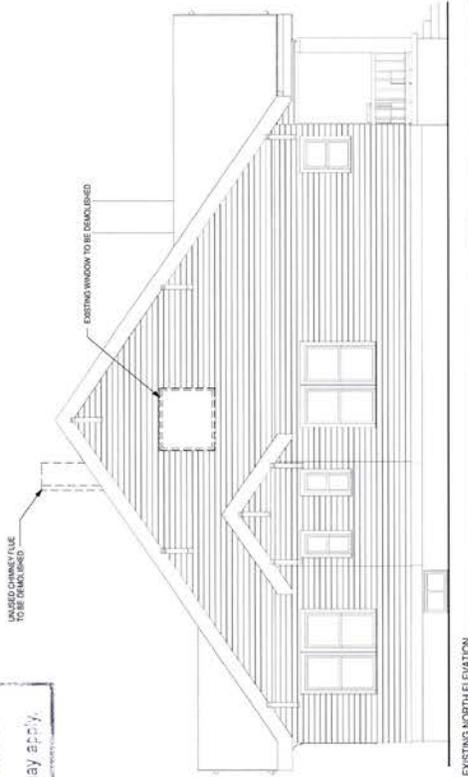
File No. LU 15-134060 HR
 1/4 Section 2731
 Scale 1 inch = 200 feet
 State_Id 1N1E26BA 1100
 Exhibit B (Mar 18,2015)



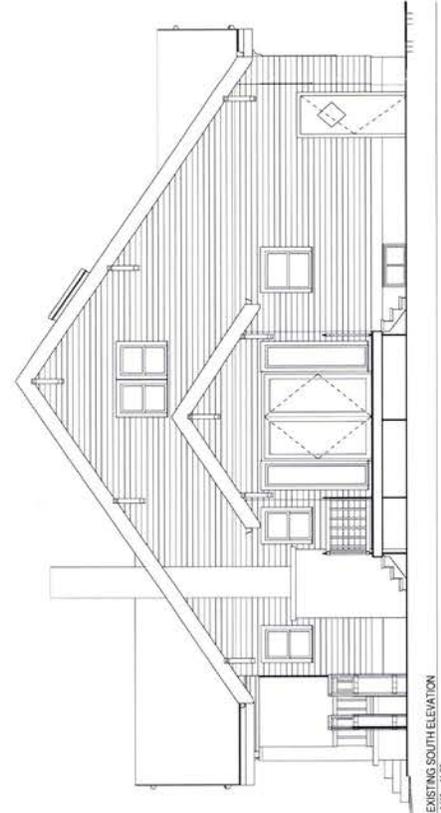
3 EXISTING WEST ELEVATION
1/4" = 1'-0"



2 EXISTING EAST ELEVATION
1/4" = 1'-0"



1 EXISTING NORTH ELEVATION
1/4" = 1'-0"



4 EXISTING SOUTH ELEVATION
1/4" = 1'-0"

Approved
 City of Astoria
 Bureau of Development Services
 Planner _____
 Date 5.7.15

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

Approved
 City of Portland
 Bureau of Development Services
 Planner
 Date 5.7.15

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



3306 NE 13TH AVENUE
 PORTLAND, OREGON

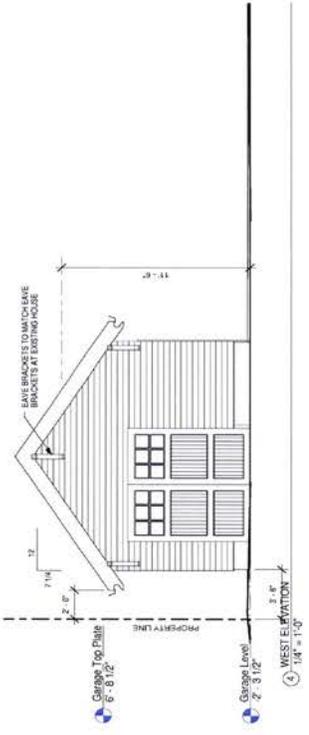
Business
 April 23, 2015

ABRAMS
 RENOVATION

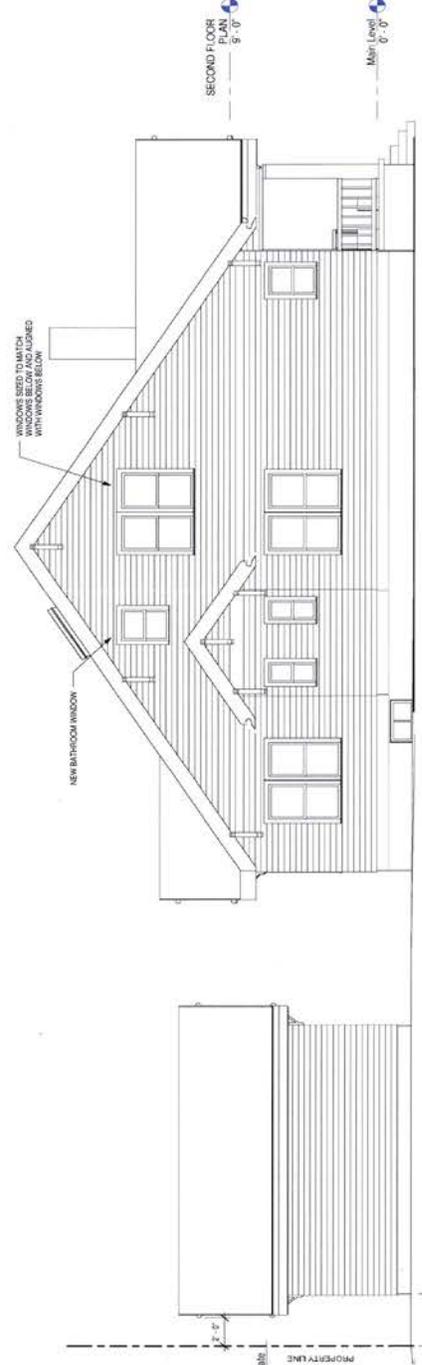
ELEVATIONS

APRIL 31, 2015

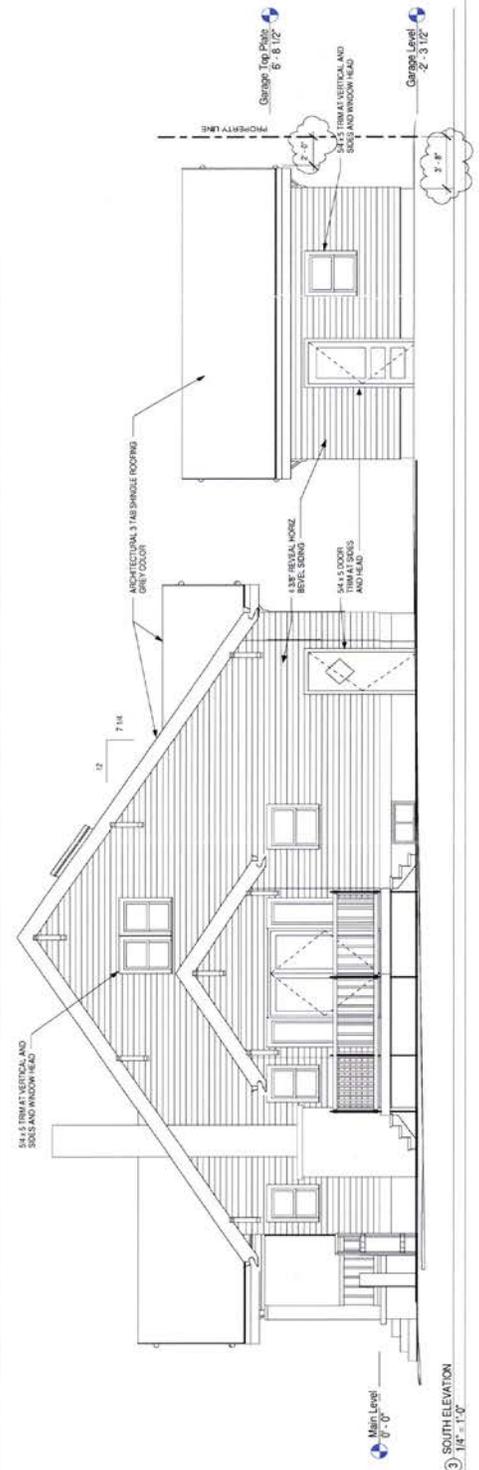
A-2



① EAST ELEVATION
 1/4" = 1'-0"



② NORTH ELEVATION
 1/4" = 1'-0"



③ SOUTH ELEVATION
 1/4" = 1'-0"

C L I P - 131060 TR EX 1 C-3