



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

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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www.portlandoregon.gov/bds

Date: November 10, 2016
To: Interested Person
From: Arthur Graves, Land Use Services
503-823-7803 | Arthur.Graves@portlandoregon.gov

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. 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 16-103586 HR: GARAGE DEVELOPMENT

GENERAL INFORMATION

Applicant: Ryan Olsen | Elemental Urban Living LLC | 503.880.1776
333 NE Hancock, #5 | Portland OR 97212

Site Address: 2803 NE 24th Avenue

Legal Description: BLOCK 4 LOT 5, IRVINGTON
Tax Account No.: R420400680
State ID No.: 1N1E26AD 14900
Quarter Section: 2723

Neighborhood: Alameda, contact Dave Johansen at 415-225-6202. Irvington, contact Dean Gisvold at 503-284-3885.

Business District: North-Northeast Business Assoc, contact at chair@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Zena Rockowitz at 503-388-5070.

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 (R5) and Historic Resource Protection 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 requests Historic Resource Review for the approval of the existing garage due to the fact that it was built in 1995 but a permit was never finalized. Because alterations are now proposed, this structure is required to comply with current regulations. For a new structure to be permitted a Historic Resource Review is required.

The garage is in the rear (southwest) corner of the site, in the setback, behind the existing “contributing” primary resource: a two and a half story foursquare built in 1914. The garage footprint is 22 feet x 13 feet. The height of the resource is 12 feet – 9 inches from grade to peak of roof. The street facing elevation (east elevation) includes a wood panel door, elevations in the setback (west and south elevations) have no openings. The north elevation, which faces the yard of the residence, proposes a wood sliding French door system measuring approximately 7 feet in height and 12 feet in width. The roof pitch and stucco siding of the garage are consistent with the contributing house.

Historic resource review is required for the construction of new structures that are not exempt in the Irvington Historic District.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- 33.846.060.G *Other Approval Criteria*

ANALYSIS

Site and Vicinity:

The “contributing” garage structure sits on a 5,000-square-foot site in the northeast quadrant of the Irvington Historic District. Located midblock the single story building is a detached accessory structure to the 2.5 story contributing Foursquare residence constructed in 1914 on site. The garage is located in the southwest corner of the site.

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 the Irvington Club to the south, the Madeline School to the north, and numerous additional retail and commercial venues to the east.

Regarding transportation, the site is serviced by a number of transportation options. Public bus transit operates on NE 24th Avenue with the #17. NE Knott Street and NE 24th Avenue are both designated as City Walkways by the regional transportation service plan (TSP). NE Knott St is also designated as a City Bikeway in the TSP.

Zoning:

The Residential 5,000 (R5) single-dwelling zone is intended to preserve land for housing and to provide housing opportunities for individual households. The zone implements the comprehensive plan policies and designations for single-dwelling housing. Minimum lot size is 3,000 square feet, with minimum width and depth dimensions of 36 and 50 feet, respectively. Minimum densities are based on lot size and street configuration. Maximum densities are 1 lot per 5,000 square feet of site area.

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **June 28, 2016**. No Bureau comments were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **June 28, 2016**. A total of five written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on June 17, 2016, wrote with concerns regarding the clarity of the proposal as well as with concerns with the location and size of the proposed French sliding doors on the north elevation. See Exhibit F-1 for additional details.

Staff Response:

The submittal was re-noticed with language intended to provide greater clarity to the history, nuances and intended alterations proposed to the site. Staff worked with the applicant to reduce the size of the proposed French doors. However, given that this is a structure constructed in the mid 1990's, but listed as contributing, French doors were not seen as being incompatible with the garage and existing architecture on site.

2. Harvey Liu, community neighbor, on June 30, 2016, wrote in support of the proposal. See Exhibit F-2 for additional details.
3. Patricia Wetzel and Elizabeth Hengeveld, community neighbors, on June 30, 2016, wrote in support of the proposal. See Exhibit F-3 for additional details.
4. Karen and William Oglesby, community neighbors, on July 01, 2016, wrote in support of the proposal. See Exhibit F-4 for additional details.
5. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on July 11, 2016, wrote with concerns regarding the size and construction of the proposed French doors. The stated preference was for a wood man door not to exceed 54 inches in width of opening. See Exhibit F-5 for additional details.

Staff Response:

Staff worked with the applicant to reduce the size and improve the quality of the proposed French doors. However, given that this is a structure constructed in the mid 1990's, but listed as contributing, French doors of this size were not seen as being incompatible with the garage and existing architecture on site.

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.

Findings for 1 and 2: The garage addition will not alter the historic character of the existing contributing 1914 four-square resource on the site. The garage addition does not remove any historic materials or features that contribute to the home's historic significance. In addition, the location and foot print of the garage addition match historic Sanborn maps which indicate a garage in this same location on the site, this could possibly account for why this garage was believed to be original and was subsequently determined to be "contributing" at the time of the establishment of the Irvington Historic District in October of 2010. The proposed wood sliding French doors (approximately 7 feet in height and 12 feet in width) on the north façade are consistent with the architectural character of the existing French doors on the west elevation of the residence regarding height, width and lite configuration (see Exhibit A-8). *Therefore these criteria are met.*

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

Findings: The proposal does not alter any features of the home that have acquired historic significance. No changes to the primary contributing resource are proposed. The garage is a modern structure that was designed to match the primary contributing resource. Despite strong evidence that the structure was constructed in the mid-1990's the garage was designated a contributing resource in the Irvington Historic District. To the extent that the garage represents a change that has acquired historic significance, the primary elements of the garage's design, such as mass, scale, location on site, roof pitch, eaves and siding material will not be altered. *Therefore this criteria is 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 will not impact the 1914 primary contributing resource on site. The historic resource will be protected from proposed alterations and no chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used. *Therefore these criteria are 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.

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.

Findings 7 and 8: The garage is currently listed as a contributing resource on the site. To this point, the design of the garage is convincing as being historically original even as evidence points to its being built in the mid 1990's. In effect, the designation of the garage as contributing is a testament to its being architecturally compatible to the primary resource on site in mass, size, scale, location on site, roof pitch, eave and trim details. The proposed addition of new wood sliding French doors to the north elevation is consistent with the architectural style of similar features found on the primary contributing resource on site, most notably the existing French doors on the west elevation of the main contributing resource. The sliding French doors will be centered on the façade and be approximately 7 feet in height and 12 feet in width. The proposed garage door will not be greater than the current garage door opening on this elevation. All trim to match existing trim on the primary contributing resource. *Therefore these criteria are 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.

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 9 and 10: The garage is a detached structure separate from the primary contributing resource on site. Alterations to the garage will not negatively affect the essential form, integrity, organization or hierarchy of the site or the primary contributing resource within it. The stated alterations 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.*

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 the proposed garage to the southwest corner of the site located in the Irvington Historic District.

Approval, per the approved site plans, Exhibits C-1 through C-3, signed and dated Monday, November 07, 2016, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 16-103586 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. NO FIELD CHANGES ALLOWED.

Staff Planner: Arthur Graves



Decision rendered by: _____ **on Monday, November 07, 2016.**

By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) Thursday, November 10, 2016.

Procedural Information. The application for this land use review was submitted on January 11, 2016, and was determined to be complete on May 20, 2016.

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 January 11, 2016.

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 extended the 120-day review period by 60 days (Exhibit A-9). Unless further extended by the applicant, **the 120 days will expire on: Wednesday, November 16, 2016.**

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 **Thursday, November 10, 2016**.

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 503-823-7617.

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;

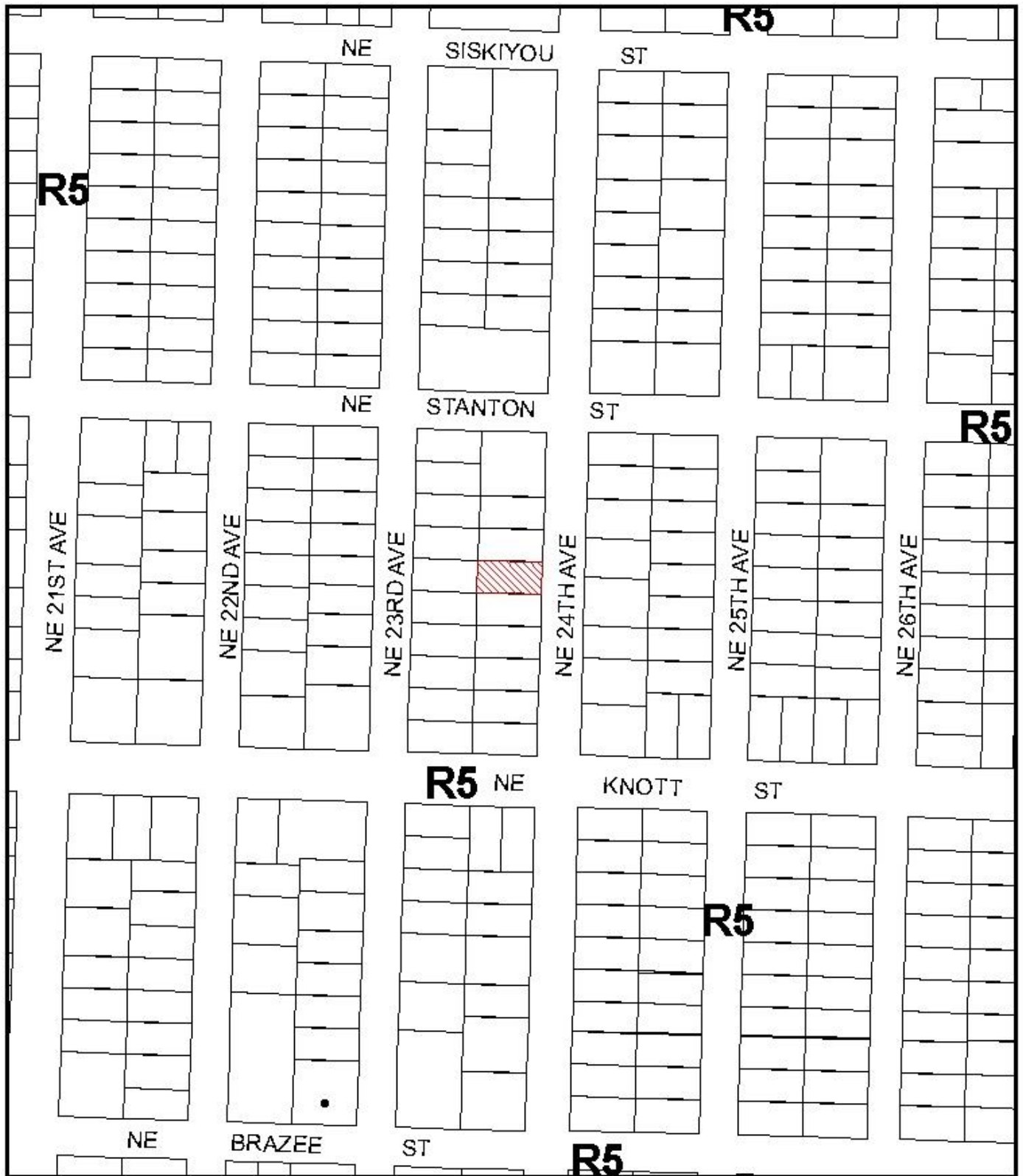
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
1. Applicant's Statement
 2. Photos
 3. National Register of Historic Places site information
 4. Initial submittal letter from original applicant: January 6, 2016
 5. Email notification of a change of applicant: April 25, 2016
 6. Initial, not approved, door submittal
 7. Initial Drawings
 8. Email regarding proposed options: July 26, 2016
 9. Extension Waiver: September 13, 2016
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Site Plan, Elevations (attached)
 2. Manufactures cut-sheets
 3. Manufactures shop drawing
- D. Notification information:
1. Mailing list: June 03, 2016
 2. Mailed notice: June 03, 2016
 3. Mailing list for Revised notice: June 28, 2016
 4. Mailed notice for Revised notice: June 28, 2016
- E. Agency Responses: No responses were received.
- F. Correspondence:
1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee: June 17, 2016.
 2. Harvey Liu, community neighbor: June 30, 2016.
 3. Patricia Wetzel and Elizabeth Hengeveld, community neighbors: June 30, 2016.
 4. Karen and William Oglesby, community neighbors: July 01, 2016.
 5. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee: July 11, 2016.
- G. Other:
1. Original LU Application
 2. Site pictures
 3. Historic Information
 4. Sanborn Maps
 5. Incomplete Letter: February 08, 2016
 6. Email regarding garage status
 7. Memo: September 09, 2016

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 16-103586 HR

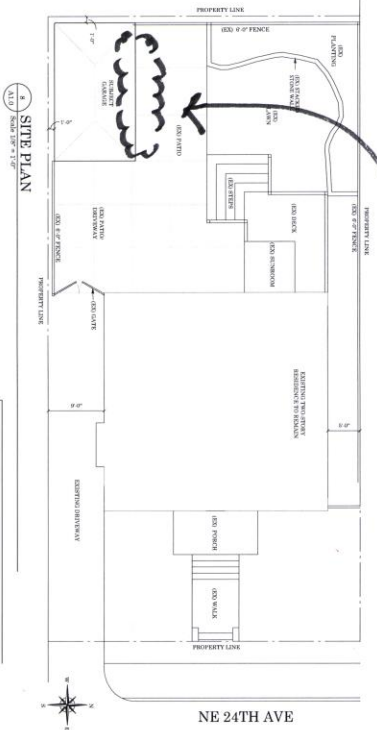
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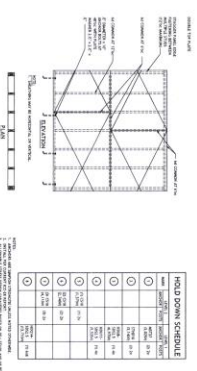
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Exhibit B (Jan 12, 2016)

AREA OF WORK



1 SITE PLAN



2 ROOF DOWN SCHEDULE

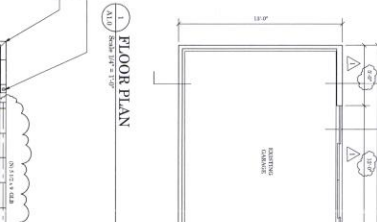
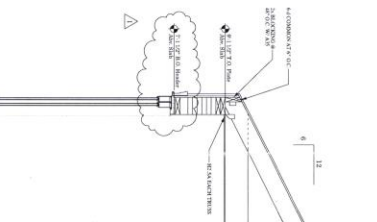
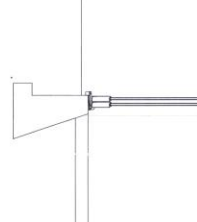
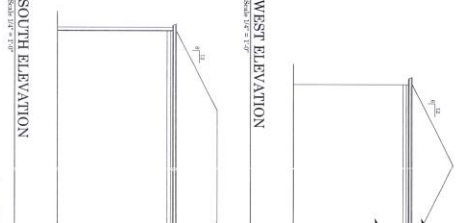
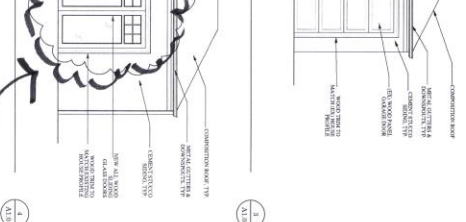
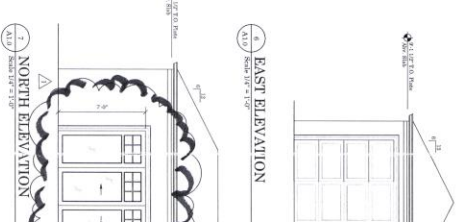
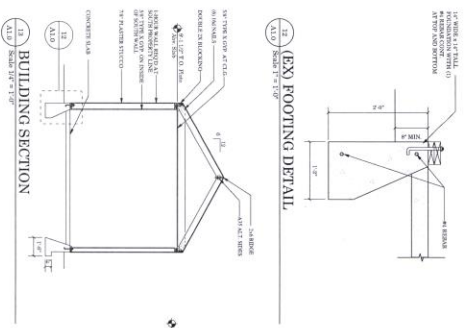
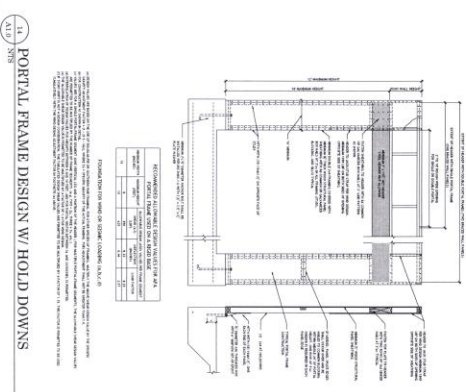
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9 TYPICAL SHEAR WALL

10 HOLD DOWN SCHEDULE

11 SHEAR WALL SCHEDULE



Approved*
City of Portland
 Bureau of Development Services
 Planner
 Date: 11/7/2016

* This approval applies only to the revisions requested and is dependent on all conditions of approval. Revisions may affect additional zoning requirements.

RYAN OLSEN
 CUSTOM HOMES
 3800 NE 15TH AVE
 PORTLAND, OR 97218
 503.944.7774 - OFFICE

RYAN OLSEN
 CUSTOM HOMES
 3800 NE 15TH AVE
 PORTLAND, OR 97218
 503.944.7774 - OFFICE

PROJECT: NEW GARAGE
 SHEET NO: 01111
 DATE: 10/15/16
 SCALE: 1/8" = 1'-0"
 DRAWN BY: RYAN OLSEN
 CHECKED BY: RYAN OLSEN
 TITLE: SHEET 01111

NEW GARAGE
 2803 NE 24TH AVE
 PORTLAND, OR 97212

EX-16-103586 HL
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