



City of Portland, Oregon Bureau of Development Services

Land Use Services

FROM CONCEPT TO CONSTRUCTION

Chloe Eudaly, Commissioner Rebecca Esau, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

Date: Wednesday, November 15, 2017

To: Interested Person

From: Santiago Mendez, Land Use Services

503-823-1361 / Santiago.Mendez@portlandoregon.gov

NOTICE OF A TYPE II 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 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 17-249441 HRM - GARAGE ADDITION

GENERAL INFORMATION

Applicant: Chris Davis | Chris Davis Design Architecture and Interiors

4605 NE Fremont Street, Suite 202 | Portland, OR 97213

chris@chrisdavisdesign.com

Owner: David S Hasson

2407 NE Knott Street | Portland, OR 97212-3432

Site Address: 2407 NE KNOTT ST

Legal Description: BLOCK 1 S 80' OF LOT 7&8, GLENEYRIE

Tax Account No.: R324000120 **State ID No.:** R324000120 1N1E25BC 07300

Quarter Section: 2733

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885. Alameda, contact

Dave Johansen at johansendr@gmail.com

Business District: Soul District Business Association, contact at

outreach@nnebaportland.org

District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-

388-5030.

Plan District: None

Other Designations: Contributing Resource in the Irvington Historic District

Zoning: R5 – Residential 5,000 Single Dwelling Zone **Case Type:** HRM – Historic Resource with Modifications

Procedure: Type II, an administrative decision with appeal to the Landmarks

Commission.

PROPOSAL:

The applicant seeks Historic Resource Review approval for a 74 square-foot addition to an existing non-contributing garage attached to a contributing primary residence in Irvington Historic District. The addition extends an existing building line within the 5' setback and includes:

- West Elevation Repair of existing parapet. New flashing wall cap and new vinyl siding to match existing above roof skirt.
- North Elevation Removal of existing window and roof "skirt". New trim band and vinyl siding to match existing.

- East Elevation New downspout, light fixtures, and wood windows. New vinyl siding to match existing.
- South Elevation Removal of existing downspout. Replacement of existing light fixture with new light fixture. New wood door and vinyl siding to match existing.

Modifications: Applicant is requesting the following Modification:

■ 33.110.220 *Setbacks* – The applicant is requesting to reduce the side (north) setback from 5'-0" to 2'-2 ¾" where the existing garage structure is proposed to remain and be extended for an additional linear distance of 6'-0".

Historic Resource Review is required for non-exempt exterior alterations within the Irvington Historic District.

The Modification is required because the proposal does not comply with the required development standards.

RELEVANT APPROVAL CRITERIA:

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

- Section 33.846.060.G, Other Approval Criteria
- 33.846.070 Modifications Considered During Historic Resource Review

ANALYSIS

Site and Vicinity: The subject property is a story-and-a-half house of bungalow form, vaguely in the Colonial Revival style. It was built in 1922 and is evaluated as a contributing resource in National Register of Historic Places documentation for the Irvington Historic District. The garage was originally built as a detached structure to the main residence in 1922 and was later attached with a mudroom addition in 1947.

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 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 <u>Historic Resource Protection</u> 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.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

Land Use History: City records indicate that prior land use reviews include the following:

• <u>LU 13-157751 HR:</u> A 2013 Historic Resource Review approval for a new gable-roofed dormer on the main structure facing an interior side yard lot line.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **October 16, 2017**. The following Bureaus have responded with no issues or concerns:

The <u>Life Safety Section of BDS</u> responded with the following comment: Please see Exhibit E-1 for additional details.

The <u>Bureau of Parks-Forestry Division</u> responded with the following comment: Please see Exhibit E-2 for additional details.

Neighborhood Review: Notice of Proposal in Your Neighborhood was mailed on September 11, 2017. Two 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 (ICA) Land Use Committee, on October 2, 2017, wrote that the ICU Land Use Committee has reviewed this application and has no objections to its approval.
- 2. Elizabeth Hengeveld, Irvington resident, wrote that they have reviewed the proposal and "urge the Bureau of Development Services to approve it as submitted, as the proposed improvement appears to be attractive, appropriate and in keeping with both the design of the home in question and the overall character of the neighborhood".

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.
- **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 1 & 4:** The changes to the portion of the north façade visible from the street repair and improve the original features rather than alter them. Adding a new flashing wall cap and replacing the dented sheet metal with vinyl siding above the roof skirt on the west façade will better reflect care and upkeep. Additionally, it will match the vinyl siding covering the garage and main house, creating a more cohesive whole. *Therefore, these quidelines are 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: Wrapping and terminating the roof skirt at the northwest corner of the garage will better align with ORSC Section 302.1 which dictates that no eaves are allowed within 3' of the property line. Through this project, the applicants will upgrade the north wall of the structure to have a 1-hour fire-rating. Additionally, a trim piece will be added to the north façade in place of the roof skirt. These changes on the west façade will create a safer structure which will remain a physical record of its time, while preserving the portion of the north façade visible from the street. Therefore, this guideline is 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: Most of the proposed changes to the property will not be visible from the street or sidewalk. The portions of the addition visible to the homeowners and neighbors will match the windows, light fixtures, siding and trim of the existing structure. *Therefore, this guideline is met.*

8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

Findings: The addition is small in scale and is an extension of the existing garage. The massing, size, scale and architectural features will match the existing conditions. The new windows, door and proposed lighting will enhance the connection of the garage to the main house by being of matching design.

Therefore, this guideline is 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: If the garage addition were later removed, the main house which is contributing to the Historic District, would be completely unaffected and the garage would revert to its original size and shape.

Therefore, this guideline is met.

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: Compatibility of the exterior alterations is consistent with the original house, the adjacent properties and the historic district. The garage addition matches the existing garage in scale, and the windows, door, casing and lighting will all match those of the main house.

Therefore, this guideline is met.

33.846.070 Modifications Considered During Historic Resource Review

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic resource review process. These modifications are done as part of historic resource review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through historic resource review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. Purpose of the standard.
 - 1. The resulting development will meet the purpose of the standard being modified; or
 - 2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

Modification #1: 33.110.220 *Setbacks* – The applicant is requesting to reduce the side (north) setback from 5'-0" to 2'-2 ¾" where the existing garage structure is proposed to remain and be extended for an additional linear distance of 6'-0".

Findings for A: The proposal to extend the current non-contributing garage structure, resulting in the north elevation being within the required 5-foot setback, does not alter the existing location of the east elevation and so remains consistent with the aesthetic historic placement and pattern of accessory buildings in the Irvington Historic District. The contributing garage maintains its character on the site and within the District through the continued utilization of its existing walls in their current location within the setback: 2' 2 3/4" to the north property line. The building wall in the setback (north) will be fire-rated for one hour and be without windows or openings. Retention of the wall within the setback results in a design that better meets criteria 1. *Historic character*, 9. *Preserve the form and integrity of historic resources*, and 10. *Hierarchy of compatibility*.

Findings for B: Per 33.120.220.A, the purpose of the standards are as follows: *The setback regulations for buildings and garage entrances serve several purposes:*

• They maintain light, air, separation for fire protection, and access for firefighting;

Findings: The proposed garage addition will continue to allow light and air to circulate in the same manner as the current structure. There will be little change to the current solar access to the adjacent properties from the proposed addition. The north wall of the existing garage will be upgraded to a one-hour fire rating for fire protection. There are no existing structures on the adjacent properties that would inhibit either airflow or access needed for firefighting. *This criterion is met.*

• They reflect the general building scale and placement of houses in the city's neighborhoods;

Findings: The location of the existing garage will not be altered in the garage addition. The placement of addition is consistent with other accessory structures in the Irvington Historic District. The proposed accessory structure remains secondary in scale, mass, and size to the primary resource. The collective alterations create a form that is

consistent with other accessory structures seen throughout the Irvington Historic District. *This criterion is met.*

They promote a reasonable physical relationship between residences;

Findings: The existing contributing garage footprint and walls will remain in the current location therefore, the physical relationship between this site adjacent properties will not be significantly altered. The proposed addition extending 6' toward the east will not enter the eastern setback. *This criterion is met.*

• They promote options for privacy for neighboring properties;

Findings: The proposed garage addition will not have windows on the north elevation facing the adjacent property. This design choice will help to maintain the current feeling of privacy enjoyed by neighboring properties while also meeting fire code requirements. *This criterion is met.*

• They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;

Findings: The proposed placement of the garage addition is compatible with placement of accessory structures throughout the Irvington Historic District, many of which are built tight to the rear and side property lines. *This criterion is met*.

• They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and

Findings: The existing placement of the structure in the setback is compatible and consistent with the location of accessory structures found within this block and the District at large. The location of the proposed garage addition maintains existing trees and outdoor areas on the site while providing a structure that is architecturally compatible with the primary contributing resource on the site. *This criterion is met.*

• They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

Findings: The proposal affects only the side setback. *This criterion is met.*

Therefore, this Modification merits approval.

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 proposed addition to the attached garage on 2407 NE Knott Street in Irvington Historic District will help to repair and enhance this building. The addition will be unnoticeable from the public right of way as it is obscured by vegetation and the existing fence along the north property line. The addition is architecturally compatible in massing, size, scale and materials with the main contributing stricture and will add to the overall appearance of the neighborhood.

The design review process exists to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The proposal meets the applicable design guidelines and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the garage addition at 2407 NE Knott Street in the Irvington Historic District, per the approved site plans, Exhibits C-1 through C-8, signed and dated 11/07/2017, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the 4 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 17-249441 HRM." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (https://www.portlandoregon.gov/bds/article/623658) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner:	Santiago	Mendez
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Decision rendered by: ______ on 11/07/2017.

By authority of the Director of the Bureau of Development Services

Decision mailed: November 15, 2017

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on October 2, 2017, and was determined to be complete on October 11, 2017.

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 October 2, 2017.

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: Thursday, February 8, 2018**

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.

Appealing this decision. This decision may be appealed to the Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on November 29, 2017** at 1900 SW Fourth Ave. Appeals can be filed at the 5th floor reception desk of 1900 SW 4th Avenue Monday through Friday between 8:00 am and 4:30 pm. **An appeal fee of \$250 will be charged**. The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional 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.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

• *Unless appealed*, the final decision will be recorded after **November 29, 2017** by the Bureau of Development Services.

The applicant, builder, or a representative does not need to record the final decision with the Multnomah County Recorder.

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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

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:

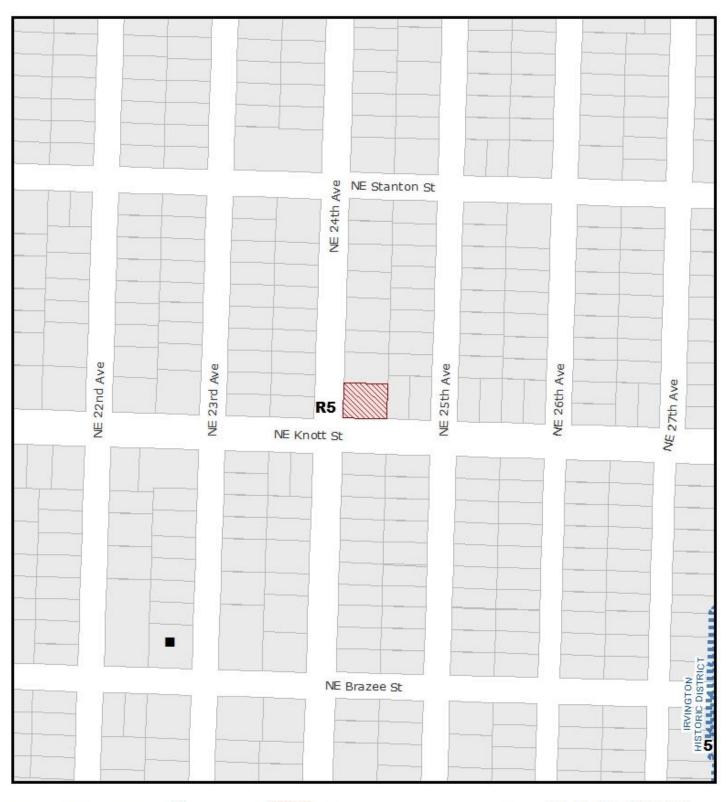
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Historic Resource Review Narrative
 - 2. Existing Site Plan
 - 3. Existing Floor Plan
 - 4. Existing West Elevation
 - 5. Existing North Elevation
 - 6. Existing East Elevation
 - 7. Existing South Elevation and Mudroom Section
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Proposed Site Plan (attached)
 - 2. Proposed Floor Plan
 - 3. Proposed West Elevation (attached)
 - 4. Proposed North Elevation
 - 5. Proposed East Elevation
 - 6. Proposed South Elevation and Mudroom Section
 - 7. Preliminary Section Looking East
 - 8. Proposed Awning Window Elevation and Section
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Section of BDS
 - 2. Bureau of Parks-Forestry Division
- F. Correspondence:
 - 1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on November 6, 2017, wrote with no objections the garage addition approval.
 - 2. Elizabeth Hengeveld, Irvington resident, on November 6, 2017, wrote in support of the garage addition approval.
- G. Other:
 - 1. Original LU Application

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).





Site

Historic Landmark

File No. LU 17-249441 HRM 2733

Scale 1 inch = 200 feet 1N1E25BC 7300

Exhibit B Oct 03, 2017

