



City of Portland, Oregon
Bureau of Development Services
Land Use Services
FROM CONCEPT TO CONSTRUCTION

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Date: January 17, 2018
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 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 17-284474 HR – NEW CARRIAGE DOORS ON DETACHED ADU

GENERAL INFORMATION

Applicant/Owner: Gregg Snyder
2926 NE 9th Avenue
Portland, OR 97212-3147

Site Address: 2926 NE 9TH AVE
Legal Description: BLOCK 101 LOT 13, IRVINGTON
Tax Account No.: R420422770
State ID No.: 1N1E26BD 05600
Quarter Section: 2731
Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: Soul District Business Association, contact at outreach@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at 503-388-5030.
Other Designations: Contributing Resource in the Irvington Historic District
Zoning: R5-Residential 5,000. Single Dwelling Residential with 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 is seeking Historic Resource Review approval for exterior alterations to an existing, non-contributing, detached garage on the property of a contributing resource within the Irvington Historic District. Built in 1927, the primary residence is primarily a bungalow style home with some secondary colonial revival elements. The existing, detached garage was converted into an accessory dwelling unit in 2017, through residential permit review. This proposal is to remove a damaged 9'x7' garage door and replace it with 74"x80"

wood carriage doors, within the same opening, on the western (street-facing) facade. The existing garage door opening to remain will be filled in to match existing lap siding.

Historic resource review is required because the proposal is for non-exempt exterior alterations on a resource 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:

- Criteria in Section 33.846.060.G of the Portland Zoning Code

ANALYSIS

Site and Vicinity: The subject property is an interior lot, oriented east on NE 9th Avenue. The house is a contributing resource in the Irvington Historic District and was constructed in 1927 in the Bungalow style, with Colonial Revival as a secondary style. The garage, which is in the rear yard, is a non-contributing resource in the district. The subject property is surrounded by other single dwellings, 1-½ to 2-½-stories high, all but for one being contributing resources. The City's Transportation System Plan designates the relatively less-traveled NE 9th Avenue as a Local Service Walkway, and a Local Service Bikeway.

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 a 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 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 that prior land use reviews include the following:

- LU 15-177661 HR – Approval of a 2015 Historic Resource Review to a solar panel array on the south slope of the non-contributing garage roof, totaling 402 sq. ft. in area.
- LU 17-172312 HR – This was considered an Unnecessary Review for the conversion of the existing, non-contributing garage to an ADU.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **December 22, 2017**.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 22, 2017**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, ICA Land Use Committee, January 5, 2018 – The ICA Land Use Committee has no objections to the application but had questions about the permit to convert the garage to an accessory dwelling unit. See Exhibit F-1 for additional details. See staff's emailed response to this concern in Exhibit G-3.

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.
- 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.
- 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 1, 2, 4, and 9: No historic materials or features are to be removed. The changes proposed are limited to the non-contributing garage in the rear yard. The

historic resource will remain a record of its time. The essential form and integrity of the historic resource will remain intact. *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.

Findings: The proposed carriage doors are clearly of new modern construction and will be placed within the existing garage door opening of this non-contributing garage. As such, they will be differentiated from the historic materials that characterize the property. *This criterion 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 removal of the non-original garage door will allow the street facing façade of the non-contributing accessory dwelling unit (former garage) to return to a form that will be complementary to the style of the house, and the district, helping to restore it back to its original historic character and form. The newly restored siding and trim will match existing features on the accessory dwelling unit in location and detailing. In an effort to maintain architectural compatibility and preserve the integrity of this resource, the carriage doors will feature glazing with a 6-panel grid and decorative wood panels, in an effort to complement the fenestration pattern and detailing existing on the home. The style, form, and trim for all other windows and doors will remain the same. *This criterion is therefore 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: The proposed alteration will have no adverse effect on the designated resource, which is both the contributing historic house and the Irvington Historic District as a whole, due to the removal and replacement of a non-original garage door on the west façade of this non-contributing accessory dwelling unit. This work will allow the non-original garage door to be removed and replaced with two wood carriage doors, each featuring a panel of glazing, that are more in character with the resource. Proposed new materials will match the existing in form, type, and finish. The newly patched portions the façade, will be compatible with the original resource, with adjacent residential properties, and with the rest of the Historic District; the wood trim and glazed openings will match the typical historic profiles, finish treatments, and materials for this 1927 Bungalow and Colonial Revival Style house. *This criterion is therefore met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposal is to remove a damaged 9'x7' garage door and replace it with 74"x80" wood carriage doors, within the same opening, on the western (street-facing) façade. The change to this feature, on this non-contributing garage, will improve the architectural quality of the structure, which will then enhance the historic character of the contributing home and of the Irvington Historic District.

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 removal of a damaged 9'x7' garage door and replace it with 74"x80" wood carriage doors, within the same opening, on the western (street-facing) facade, per the approved site plans, Exhibits C-1 through C-4, signed and dated January 11, 2018, 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 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 17-284474 HR." 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: Cassandra Ballew



Decision rendered by: _____ **on January 11, 2018**
By authority of the Director of the Bureau of Development Services

Decision mailed January 17, 2018

Procedural Information. The application for this land use review was submitted on December 15, 2017, and was determined to be complete on December 19, 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 December 15, 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: April 18, 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.

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 will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **January 17, 2018** 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.

Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;

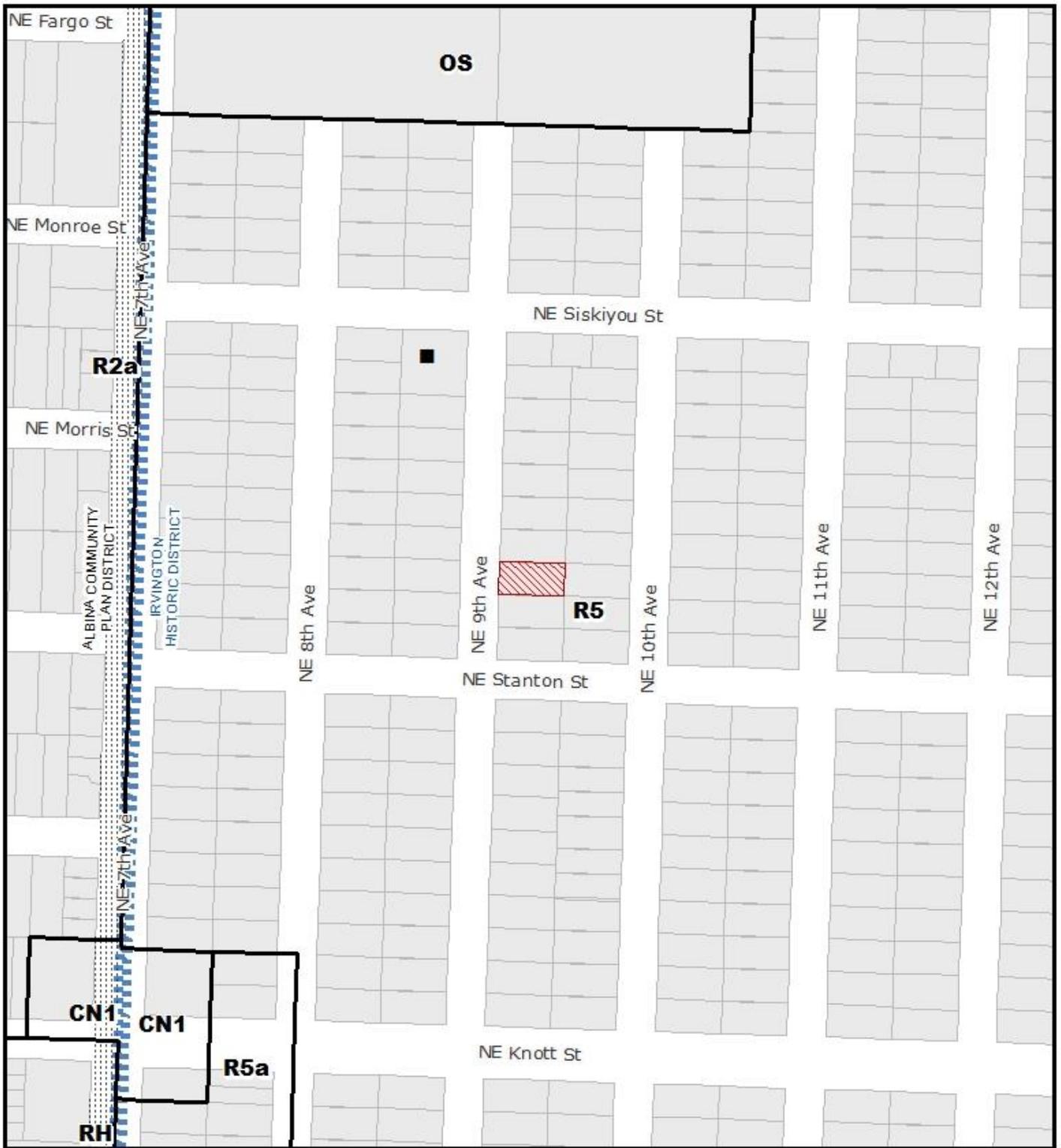
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Application
 - 2. Supplemental information – revised cutsheet for door, received January 9, 2018
 - 3. Supplemental information – revised door details, received January 9, 2018
 - 4. Supplemental information – revised cutsheet for door, received January 11, 2018
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. CS Site Plan (attached)
 - 2. A1.0 Existing and Proposed Plans (attached)
 - 3. A1.2 Proposed Details
 - 4. Carriage Door Cutsheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
 - 1. Dean Gisvold, ICA Land Use Committee, January 5, 2018 – The ICA Land Use Committee has no objections to the application but had questions about the permit to convert the garage to an accessory dwelling unit.
- G. Other:
 - 1. Original LU Application
 - 2. Site Research
 - 3. Copy of email correspondence regarding exemption of garage conversion to an accessory dwelling unit from Historic Resource Review, January 5, 2018. See neighborhood correspondence Exhibits F-1 for more detail.
 - 4. Copy of email correspondence regarding door material, January 11, 2018.

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



THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT



Site



Historic Landmark

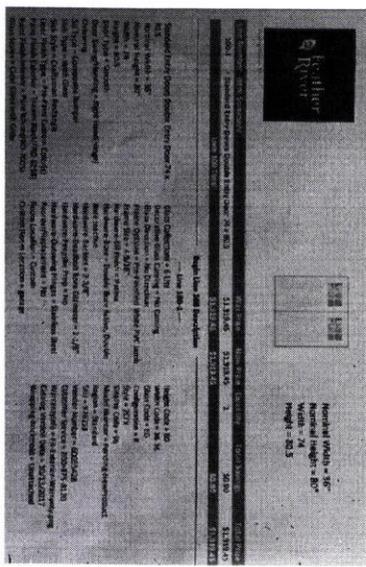
File No.	LU 17-284474 HR
1/4 Section	2731
Scale	1 inch = 200 feet
State ID	1N1E26BD 5600
Exhibit	B Dec 19, 2017

Approved
City of Portland - Bureau of Development Services

Planner *C. Blala* Date 1/11/18

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

2 GARAGE DOOR SPECS
 CS SCALE: NOT TO SCALE



1 SITE PLAN
 CS SCALE: 1" = 10'-0"

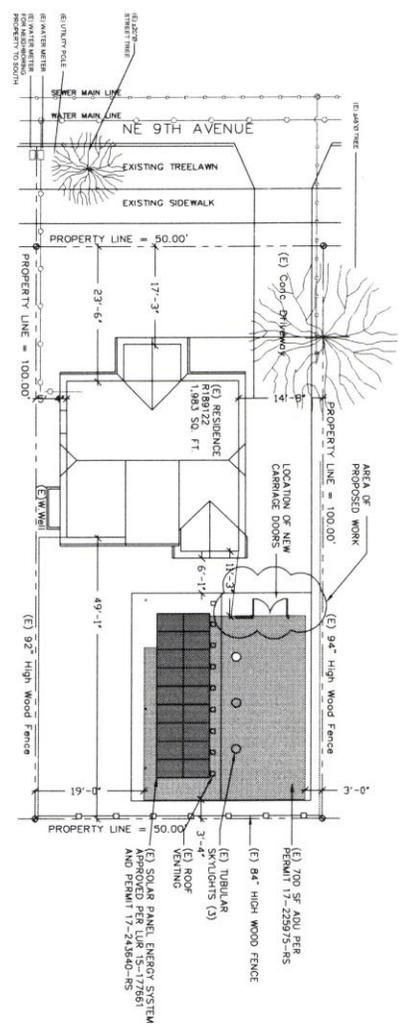


NOTES:
 1. ALL DIMENSIONS UNLESS OTHERWISE NOTED.
 2. EXISTING CONDITIONS TO SPECIFY EXACT LOCATION OF ALL UTILITIES.
 3. SLOPE GRADIENT AS SHOWN FROM HERE.

PROJECT RECORD:
 PROJECT NO: 17-243840-RS
 PROJECT DATE: 1/11/18
 PROJECT LOCATION: 2926 NE 9TH AVENUE, PORTLAND, OR 97212
 PROJECT OWNER: SNYDER, JAMES
 PROJECT ARCHITECT: JAMES SNYDER ARCHITECTS, PORTLAND, OR
 PROJECT ENGINEER: JAMES SNYDER ARCHITECTS, PORTLAND, OR

PERMIT INFO:
 PERMIT NO: 17-243840-RS
 PERMIT DATE: 1/11/18
 PERMIT EXPIRES: 1/11/19

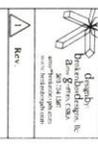
SITE DEVELOPMENT STANDARDS:
 ALLOWED COVERAGE: 25%
 ALLOWED HEIGHT: 10'-0"
 ALLOWED SETBACKS: 5'-0" (FRONT), 5'-0" (SIDE), 10'-0" (REAR)
 ALLOWED LOT AREA: 10,000 SQ. FT.
 EXISTING COVERAGE: 15%
 EXISTING HEIGHT: 8'-0"
 EXISTING SETBACKS: 5'-0" (FRONT), 5'-0" (SIDE), 10'-0" (REAR)
 ALLOWED ADDITIONAL COVERAGE: 10%
 ALLOWED ADDITIONAL HEIGHT: 2'-0"
 ALLOWED ADDITIONAL SETBACKS: 0'-0" (FRONT), 0'-0" (SIDE), 0'-0" (REAR)



DRAWING INDEX	
CS	Cover Sheet / Site Plan / Specs
AI1	Existing / Demos + Proposed Plans + Exterior Elevations

CS Cover Sheet, General Notes & Site Plan
 17-212

Snyder
 GARAGE DOOR REPLACEMENT
 2926 NE 9th Avenue
 PORTLAND, OR 97212



LU 17-284474 HR
 EXHIBIT C-1

