



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: January 22, 2018
To: Interested Person
From: Emily Hays, Land Use Services
503-823-5676 / Emily.Hays@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 17-283672 HR – EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Kathryn Davis | Emerick Architects PC
321 SW 4th Avenue #200
Portland, OR 97204

Owners: David M Byrnes & Teresa C Byrnes
2546 NE 18th Avenue
Portland, OR 97212-4246

Site Address: **2546 NE 18th Avenue**

Legal Description: BLOCK 38 LOT 15, IRVINGTON
Tax Account No.: R420408230
State ID No.: 1N1E26AC 14300
Quarter Section: 2732

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.

Plan District: None

Other Designations: Contributing Resource in the Irvington Historic District

Zoning: **R5** – Residential 5,000 Single Dwelling Zone with Historic Resource Protection Overlay

Case Type: **HR** – Historic Resource Review
Procedure: **Type II** - an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant is seeking Historic Resource Review for exterior alterations to a contributing resource in the Irvington Historic District. Alterations include relocation of existing windows on the north (side) and east (rear) elevations, a new rear door, and siding infill as required. A 250

SF porch, with details and materials to match the existing front porch, is also proposed along the rear façade.

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

Relevant Approval Criteria:

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

- Section 33.846.060 G – *Other Approval Criteria*

ANALYSIS

Site and Vicinity: The subject property is a contributing resource in the Irvington Historic District. The single dwelling, three story Foursquare style house was built in 1909 with horizontal board siding. There is a contributing garage on site.

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.

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 no prior land use reviews for this site.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **December 27, 2017**. The following Bureaus have responded with no issues or concerns:

- Life Safety Review Section of BDS, See Exhibit E-1

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 27, 2017**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, Chair of the Irvington Land Use Committee, on January 15, 2018 wrote with no objections to the proposal.

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.
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 for 1, 2, 3 & 4: All new elements will match or echo existing features on the house to tie the design language of the existing structure and the new work together. The new back door and deck will match seamlessly with the existing exterior details in material, scale, and color in keeping with the historic character of the house. The proposal includes historically compatible, high quality materials.

Collectively, the proposed alterations are in character with the architectural character of the contributing resource and help to ensure that the site remain a record of its time. There are no evident changes to the resource which have acquired additional historic significance. *These guidelines have been met.*

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.
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.
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 for 5, 6 & 7: No deteriorated historic features are specifically proposed to be replaced. Existing historic windows and window trim will be repaired and re-used. Where trim is found to be in poor condition, new trim will be fabricated to match existing.

New features will generally match existing in design and visual quality; the proposed construction is intended to preserve and protect historic materials to the extent practicable. There are no known archaeological resources on this site and discovery of architectural resources is not anticipated.

The proposed alterations will not destroy historic materials that characterize the property. The new work will be differentiated by the relatively contemporary products and materials proposed. *These guidelines have been 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.
- 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 8, 9& 10: The proposed alterations are compatible with the existing structure and will not compromise the architectural integrity of the property or the Irvington Historic District. No conjectural features or features foreign to the architectural style will be added to the resource.

The scale and mass of the building will not be impacted; the overall form of the resource will be preserved. The integrity of the structure will be preserved. The new exterior deck will be removable from the primary structure. The new door and double hung windows, while not attempting to create a false sense of historic development, are consistent and compatible with the architecture of the contributing resource and the district as a whole.

Collectively, the proposed alterations to the resource will ensure that it remain a valuable contributing resource to the immediate adjacent neighborhood and the Irvington Historic District as a whole. *These guidelines have been 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

Collectively, the proposal is compatible and complementary to this site, the adjacent properties, and the neighborhood as a whole. 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.

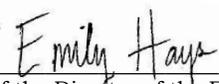
ADMINISTRATIVE DECISION

Approval of Historic Resource Review for alterations to a contributing resource in the Irvington Historic District. Approved alterations include relocation of existing windows on the north (side) and east (rear) elevations, a new rear door with siding infill as required, and a 250 SF porch, with details and materials to match the existing front porch on the rear façade.

Approval per the approved site plans, Exhibits C-1 through C-12, signed and dated January 18, 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 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 17-283672 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: Emily Hays

Decision rendered by:  **on January 18, 2018**
By authority of the Director of the Bureau of Development Services

Decision mailed: January 22, 2018

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 December 14, 2017, and was determined to be complete on December 21, 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 14, 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, applicant did not waive or extend the 120-day review period. Unless further extended by the applicant, **the 120 days will expire on: April 20, 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 February 5, 2018** 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 **February 5, 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.

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:

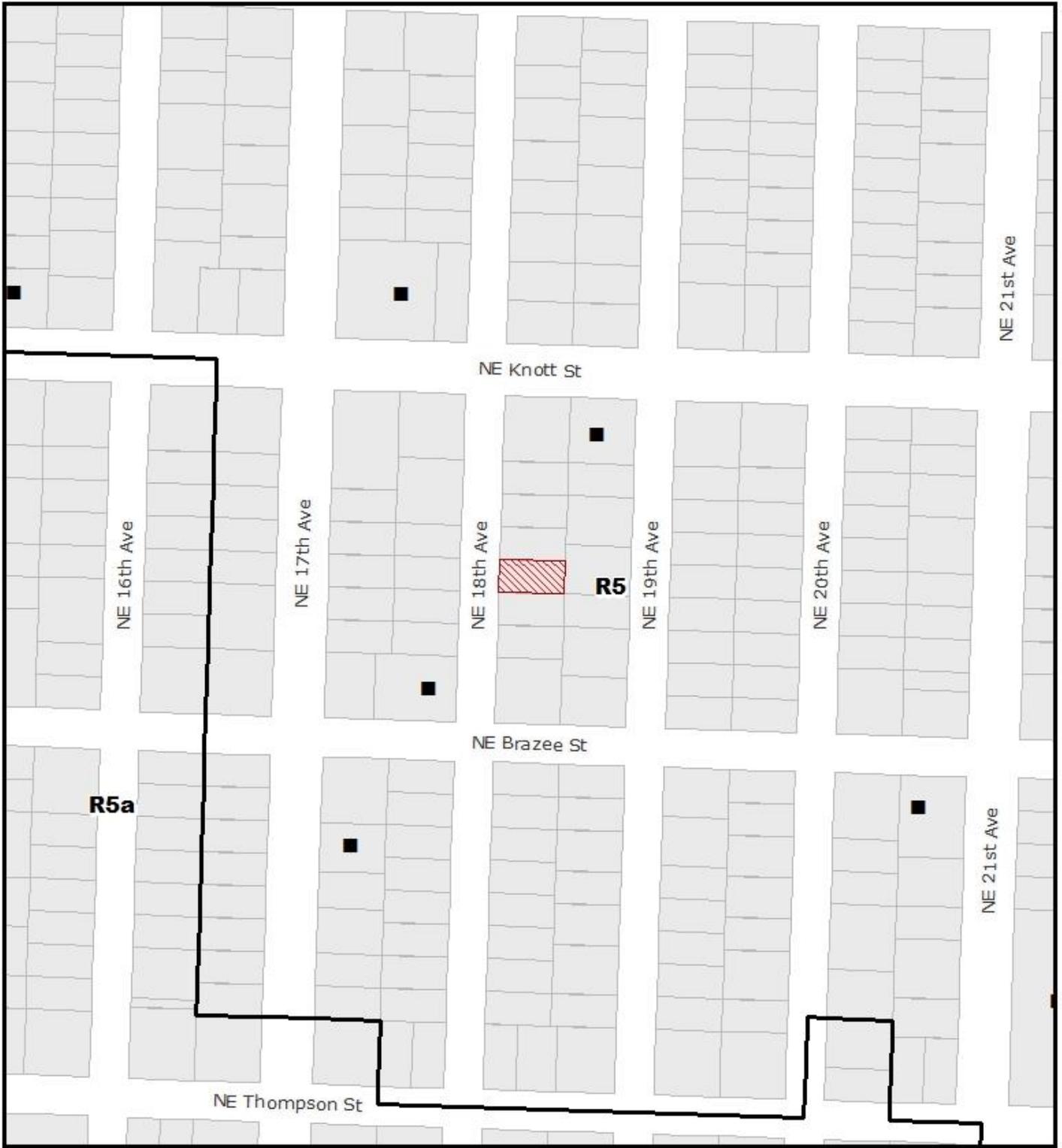
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Project Narrative & Response to Guidelines
 - 2. Original Drawing Set
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Main Floor – Demolition Plan
 - 3. Main Floor Plan – Proposed
 - 4. North Elevation – Demolition
 - 5. East Elevation – Demolition
 - 6. North Elevation – Proposed
 - 7. East Elevation – Proposed (attached)
 - 8. South Elevation – Proposed
 - 9. Existing Condition Photos with Notes
 - 10. Existing & Proposed Window Details
 - 11. Proposed Door Details
 - 12. Door & Window Schedule
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Review Section of BDS
- F. Correspondence:
 - 1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on January 15, 2018, wrote with no objections to the proposal.
- G. Other:
 - 1. Original LU Application
 - 2. Email Correspondence

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).

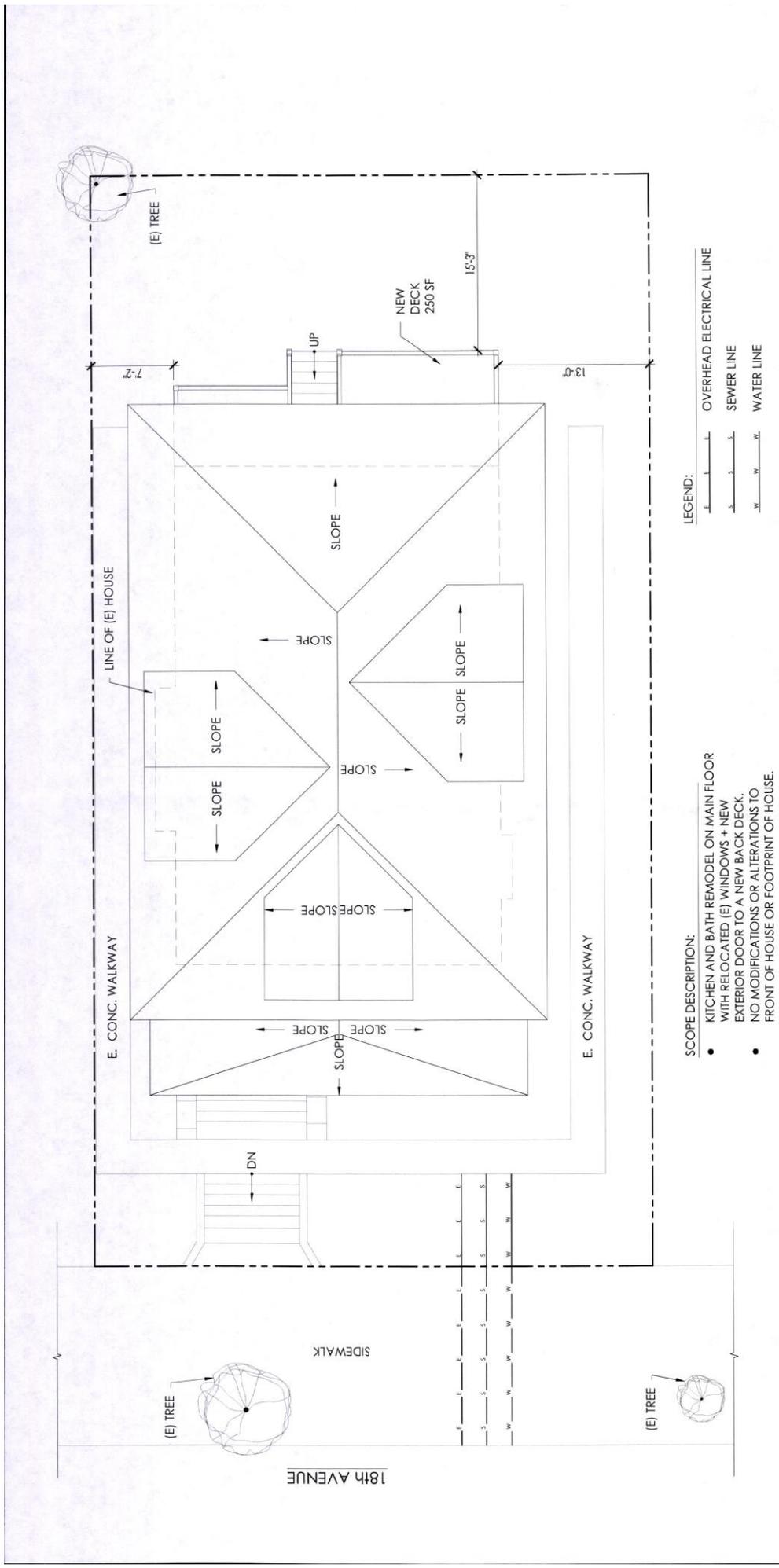


ZONING

THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

-  Site
-  Historic Landmark

File No.	LU 17-283672 HR
1/4 Section	2732
Scale	1 inch = 200 feet
State ID	1N1E26AC 14300
Exhibit	B Dec 15, 2017



LEGEND:

— OVERHEAD ELECTRICAL LINE

— SEWER LINE

— WATER LINE

SCOPE DESCRIPTION:

- KITCHEN AND BATH REMODEL ON MAIN FLOOR WITH RELOCATED (E) WINDOWS + NEW EXTERIOR DOOR TO A NEW BACK DECK.
- NO MODIFICATIONS OR ALTERATIONS TO FRONT OF HOUSE OR FOOTPRINT OF HOUSE.



EXISTING/PROPOSED SITE PLAN

SCALE: 1/8" = 1'-0"

Approved
 City of Portland - Bureau of Development Services
 Planner Emily Hays Date 11/18/18
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LAND USE REVIEW
 2546 NE 18TH AVE
 PORTLAND, OR 97212

EMERICK ARCHITECTS

BYRNES
 JOB #: 1716

NOT FOR CONSTRUCTION

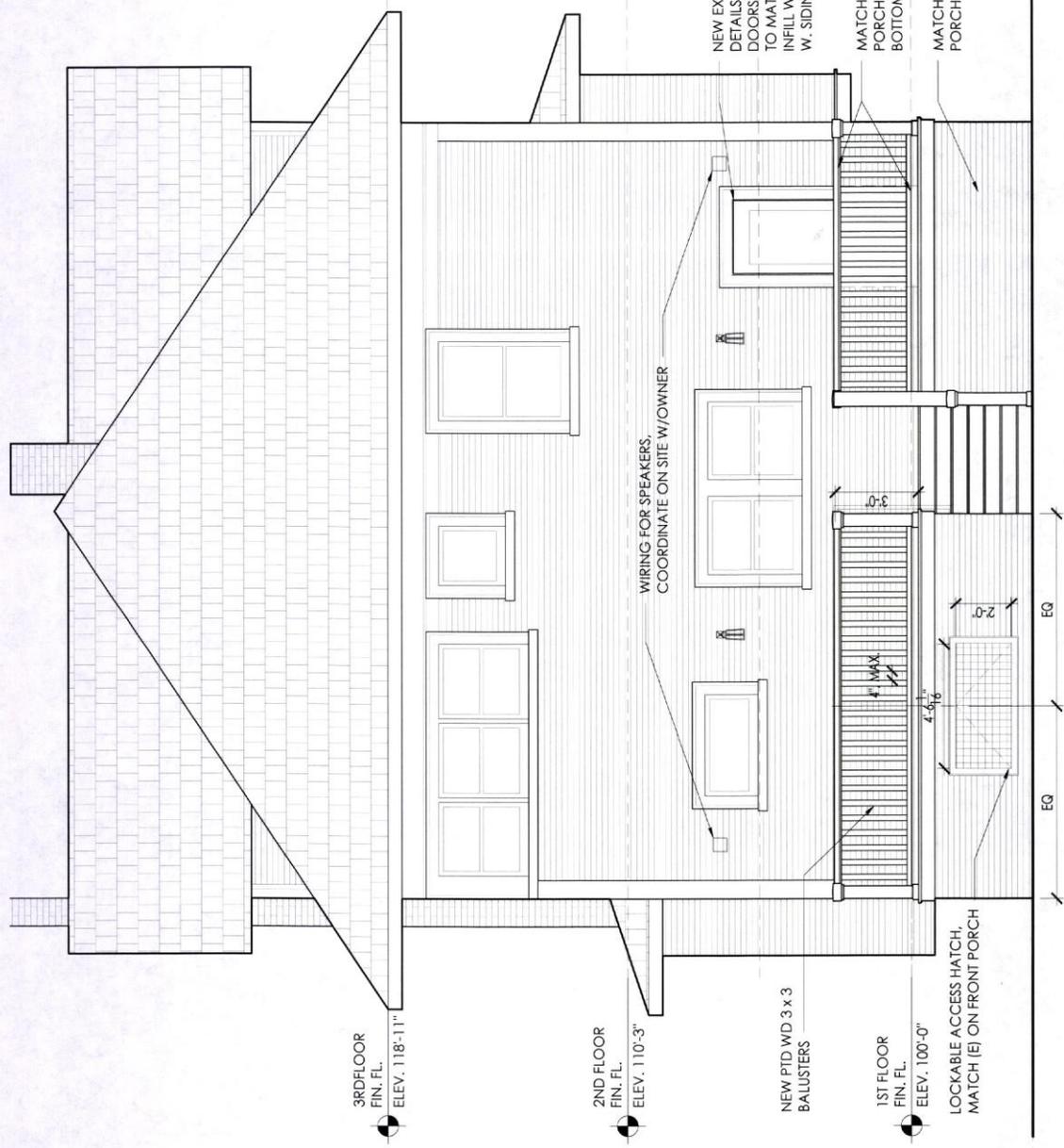
LA 17-283672 HR

LUR-1A

DATE: 12-14-17

CI

Approved
 City of Portland - Bureau of Development Services
 Planner Emily Hall Date 11/18/18
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



LUR-1G
 DATE: 12-14-17
 C7

BYRNES
 JOB #: 1716
EMERICK ARCHITECTS
 LU 17 - 283 672 HR

LAND USE REVIEW
 2546 NE 18TH AVE
 PORTLAND, OR 97212
 NOT FOR CONSTRUCTION

1

EAST ELEVATION - PROPOSED
 SCALE: 1/4" = 1'-0"