



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

Ted Wheeler, Mayor
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portlandoregon.gov/bds

Date: May 25, 2018
To: Interested Person
From: Santiago Mendez, Land Use Services
503-823-1361 / Santiago.Mendez@portlandoregon.gov

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

The Bureau of Development Services has an 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 18-105467 HR - NEW DETACHED ADU

GENERAL INFORMATION

Applicant: Stan Anderson, Stan Anderson Builders Llc
2707 SE 74th Avenue
Portland, OR 97206
stanandersonbuilders@msn.com

Owner: Susan D'Alessandro
3411 NE 14th Avenue
Portland, OR 97212-2216

Site Address: **3411 NE 14th Avenue**

Legal Description: BLOCK 71 LOT 4, IRVINGTON
Tax Account No.: R420415180
State ID No.: 1N1E26BA 00400
Quarter Section: 2731

Neighborhood: Sabin Community Assoc., contact Rachel Lee at 503-964-8417.
Business District: Soul District Business Association, contact at info@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 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 requests Historic Resource review to demolish the existing detached non-contributing garage of a contributing property in the Irvington Historic District and build a new ADU. The new ADU that will replace the existing CMU garage, built in the 1960's, is proposed with the following elements:

- Hardie Artisan or Wood siding painted to match main house
- Street facing gable roof with a 12/12 pitch to match main house, secondary hip roof with a 6/12 pitch to reduce visual impact
- Wood windows and fiberglass front door.

Additionally, the applicant is proposing to remove a 4-stemmed Norway Maple (considered a nuisance specie as per Title 11 Tree Code)

Historic Resource Review is required for the proposed new detached ADU in the Irvington Historic District.

Relevant Approval Criteria:

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

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

ANALYSIS

Site and Vicinity: The contributing main house of this property was built in 1926 in an English Cottage style. The main house was damaged by a fire and rebuilt in 1932. In 1966, the original detached garage was replaced with a single car CMU garage, without regard to complimenting the style of the main house.

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.

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 there are no prior land use reviews for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **May 7, 2018**. No responses were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 7, 2018**. Three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Jim Loewenherz, May 15, 2018, wrote to express concerns about proposed windows adjacent to their property and possible impacts to an existing tree on their property. See Exhibit F-1.

Staff Response: These comments have been passed on to the applicant. The proposed ADU meets the code required setback from the property line and the applicable approval criteria for this review do not regulate issues of privacy. Tree protection is regulated by Title 11, and is also outside the purview of this review.

- Jasmine Murphy, May 20, 2018, wrote to express concerns about the proposed tree removal and impact the proposed ADU could have on parking congestion, safety, and crime in the neighborhood if it is used as a short-term rental. See Exhibit F-2.

Staff Response: These comments have been passed on to the applicant. The approval criteria for Historic Resource Review are limited to issues of building design and historic compatibility. No parking is required for ADUs per code, and parking regulation falls outside of the scope of this review. The applicable approval criteria do not address building use. Building use is regulated by the City, and information on Accessory Short-Term Rentals can be found at the following website: <https://www.portlandoregon.gov/bds/65603>. Tree protection is regulated by Title 11, and is also outside the purview of this review.

- Dean Gisvold, Irvington Community Association, May 21, 2018, wrote to express support for the revised proposal. See Exhibit F-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.
- 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.
- 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 1 through 7: The garage that is being removed has no historic value and the new detached ADU will not negatively impact the significance of the main house. *Therefore, these guidelines are 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.

Findings for 8 & 9: The new ADU is detached and will not affect the integrity of the contributing main house. If removed, the contributing main house will be intact. Proposed materials are similar to the main house and detached ADU's or garages are a typical district pattern. Overall, this proposal will contribute towards preserving the form and integrity of this accessory structure, while achieving compatibility at an individual property and district scale. *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 for 10:

- The new ADU will sit behind the main house in a similar position as the removed garage, and is scaled appropriately to respect the hierarchy of the main house.
- The new ADU will have lap siding, trim details, eave details, window proportions and roof pitch to match the main house.
- The new ADU has a main entrance oriented towards the street to achieve compatibility with other accessory structures in the Irvington Historic District.

Therefore, 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 requirements of Title 11 can be met, and 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 for a new detached ADU meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a new detached ADU located at 3411 NE 14th Ave., per the approved site plans, Exhibits C-1 through C-4, signed and dated 5/21/18, 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 18-105467 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: Santiago Mendez



Decision rendered by: _____ **on 5/21/18**

By authority of the Director of the Bureau of Development Services

Decision mailed 5/25/18

Procedural Information. The application for this land use review was submitted on January 10, 2018, and was determined to be complete on May 2, 2018.

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 10, 2018.

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: 8/30/18.**

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 **5/29/18** 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:

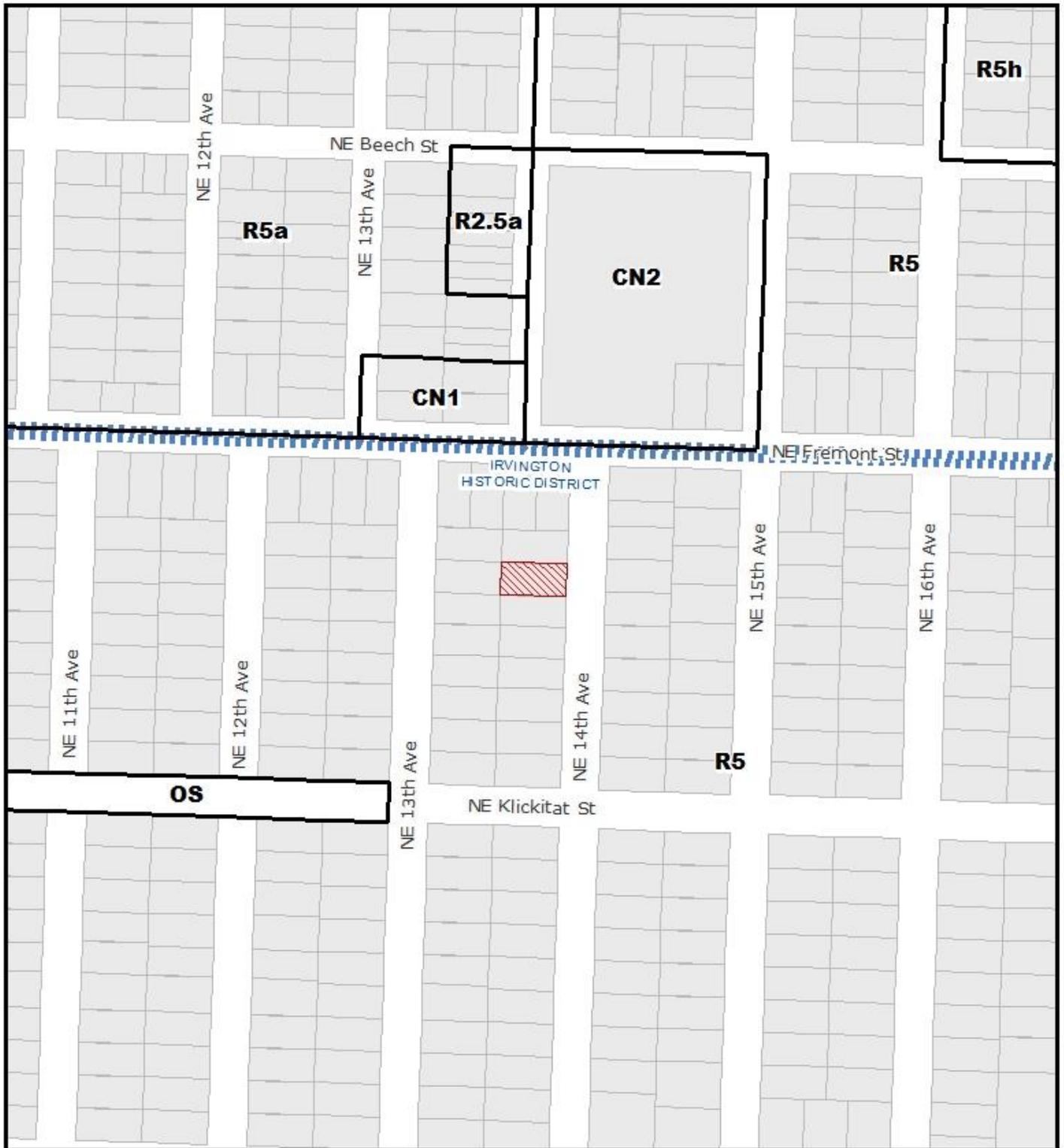
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Approval Criteria and Project Description
 - 2. Site Photos
 - 3. Past Inspection Reports
 - 4. Initial Site Plan Proposal
 - 5. Initial ADU Proposal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Approved Site Plan (attached)
 - 2. Approved Floor Plan, Front Elevation and Detailing
 - 3. Approved Elevations
 - 4. Window, Door and Exterior Light cut sheets
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence:
 - 1. Jim Loewenherz, May 15, 2018, concerns with proposal.
 - 2. Jasmine Murphy, May 20, 2018, concerns with proposal.
 - 3. Dean Gisvold, Irvington Community Association, May 21, 2018, support for revised proposal.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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

File No.	LU 18-105467 HR
1/4 Section	2731
Scale	1 inch = 200 feet
State ID	1N1E26BA 400
Exhibit	B Jan 12, 2018



**SYMONS ENGINEERING
CONSULTANTS, INC.**

12805 s.e. foeller road
portland, oregon 97236
phone 503 760 1353
facsimile 503 762 1862

CLIENT

**STAN ANDERSON BUILDERS
2707 SE 74TH AVE
PORTLAND, OR 97206
503-901-1009**

PROJECT

**D'ALESSANDRO
ADU**

SITE ADDRESS

**3411 NE 14TH AVE
PORTLAND, OR 97212**

**SHEET NAME
PRELIMINARY
SITE PLAN**

REVISION

- △ 12/15/17 ISSUED FOR CLIENT REVIEW
- △ 1/4/18 ISSUED FOR HISTORIC REVIEW
- △ 4/4/18 ISSUED FOR CLIENT REVIEW
- △ 4/6/18 REISSUED FOR HISTORIC REVIEW

ISSUE DATE

APRIL 6, 2018

DRAWING FILE

17-48CDWG

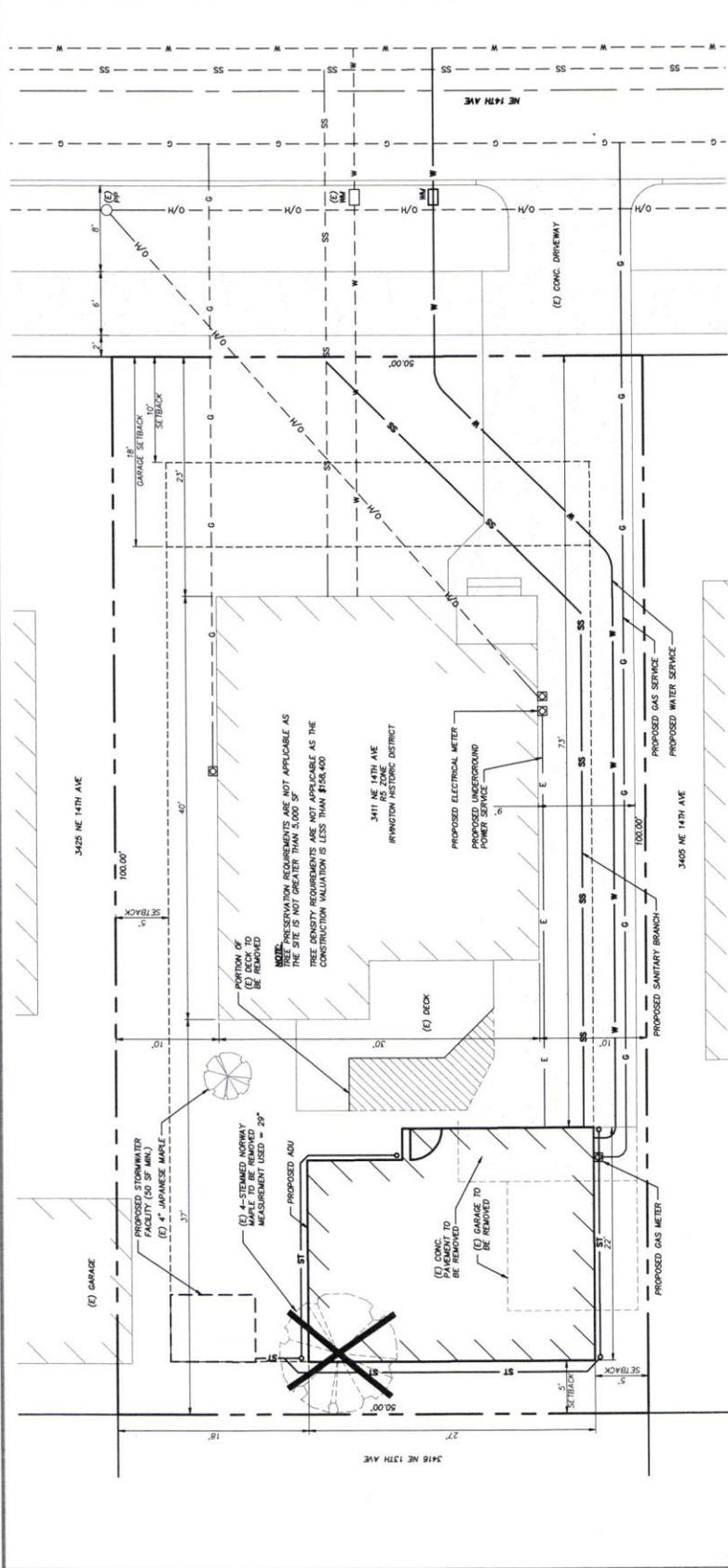
PROJECT NUMBER

17-48

SHEET 1

C1

OF 3 SHEETS



**PRELIMINARY
SITE PLAN**

SCALE: 1" = 5'
0 10 20 30 40

SITE DATA

ZONING: RS
LEGAL DESCRIPTION: 400
TOTAL SITE AREA: 5,000 SF / 0.11 ACRES

ADU DEVELOPMENT STANDARDS

LIVING AREA OF (E) HOUSE = 1,829 SF MAXIMUM TOTAL
1,829 SF * 75% = 1,372 SF FINISHED SECOND FLOOR
PROPOSED ADU LIVING AREA = 518 SF
ADU HEIGHT = 12'-0"
ADU COVERAGE OF LOT = 11.34%

Approved
City of Portland - Bureau of Development Services
Planner *SM* Date *5/21/18*
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

NOT FOR CONSTRUCTION

*LU 18-105467HR
EXHIBIT C-1*