



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: June 1, 2018
To: Interested Person
From: Puja Bhutani, Land Use Services
503-823-7226 / Puja.Bhutani@portlandoregon.gov

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

The Bureau of Development Services has a approved proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 18-157018 HR – REPLACE CHIMNEY

GENERAL INFORMATION

Applicant: Bryan Wollenweber | Chimcare Home Services
27929 SW 95th Avenue | Wilsonville OR 97070
Bryan@chimcare.com; 503-655-2446

Owner: Ben Z Samples & Sarah Bielski
1140 Castro Street | San Francisco, CA 94114

Site Address: **3407 NE 12th Avenue**

Legal Description: BLOCK 85 S 1.5' OF LOT 4 N 44' OF LOT 5, IRVINGTON
Tax Account No.: R420417650
State ID No.: 1N1E26BA 04500
Quarter Section: 2731

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

Historic resource review approval is requested to tear down and rebuild the chimney to match the existing chimney on the south elevation of residence. New bricks manufactured to match original brick size and color, clay terracotta flue tiles, and commercial grade mortar is proposed.

Historic resource review is required because the proposal is for non-exempt exterior alteration and new construction on a contributing resource in the Irvington Historic District.

Relevant Approval Criteria:

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

- 33.846.060 G – *Other Approval Criteria*

ANALYSIS

Site and Vicinity: The subject property is oriented east and fronts on to NE 12th Avenue. A contributing structure in the Irvington Historic District, it was constructed in 1925 in the traditional Bungalow-Colonial Revival style. The house is located on a block with all except one property that are contributing resources in this Irvington Historic District.

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 review.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 9, 2018**. Three (3) written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Jenna Rose, 5/17/2018, wrote in support of the proposal. Refer to Exhibit F1 for more details.
2. Dean Gisvold, ICA Land Use Committee, 5/23/18, wrote in opposition to the proposal. He expressed concern that the thin brick veneer of the proposed Inca brick would not have the appearance of the actual load bearing brick, and would not replicate the sloping section of the chimney form. Refer to Exhibit F2 for more details.
3. Rachel Lee, Sabin Community Association Board, Sabin Land Use & Transportation Committee, wrote in support of the proposal. Refer to Exhibit F3 for more details.

Staff appreciates the feedback, and has worked with the applicant to revise the drawings to replicate the appearance of the original chimney and to use load bearing brick. Please refer to staff findings below for more detail.

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.
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.
7. **Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
8. **Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
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 1, 2, 4, 5, 7, 8, 9 & 10: The applicants state that the mortar of the existing brick chimney has deteriorated beyond repair. The replacement chimney will match the existing chimney as follows:

- The new chimney will replicate the location and dimensions of the existing chimney.
- The new chimney will match the existing profile and detailing including the 2 courses of blond brick, and the 2 shoulder slopes on either side of the flue.
- New brick will be manufactured to match the original brick's size and color.
- Bricks will be laid using standard running bond with 3/8" gray mortar joint.

The new chimney construction will match the existing and therefore the historic character of the existing property will not be compromised. *These guidelines are met.*

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

Findings for 3 & 6: The proposal will not be detrimental to the historic character of the existing residence. There are no known archeological resources being affected by this proposal.

These guidelines are met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 mortar between the bricks of the existing chimney has deteriorated beyond repair and cannot be salvaged. The new brick chimney will match the existing and therefore maintain the historic character of the existing property. 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 to tear down and rebuild the chimney to match the existing chimney on the south elevation of residence in the Irvington Historic District. New bricks manufactured to match original brick size and color, clay terracotta flue tiles, and commercial grade mortar is proposed.

Approved per the approved site plans, Exhibits C-1 through C-5, signed and dated 5/29/2018, 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 18-157018 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: Puja Bhutani

Decision rendered by:  _____ **on (May 29, 2018)**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 1, 2018

Procedural Information. The application for this land use review was submitted on April 20, 2018, and was determined to be complete on May 4, 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 April 20, 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: September 1, 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 on or after **June 4, 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:

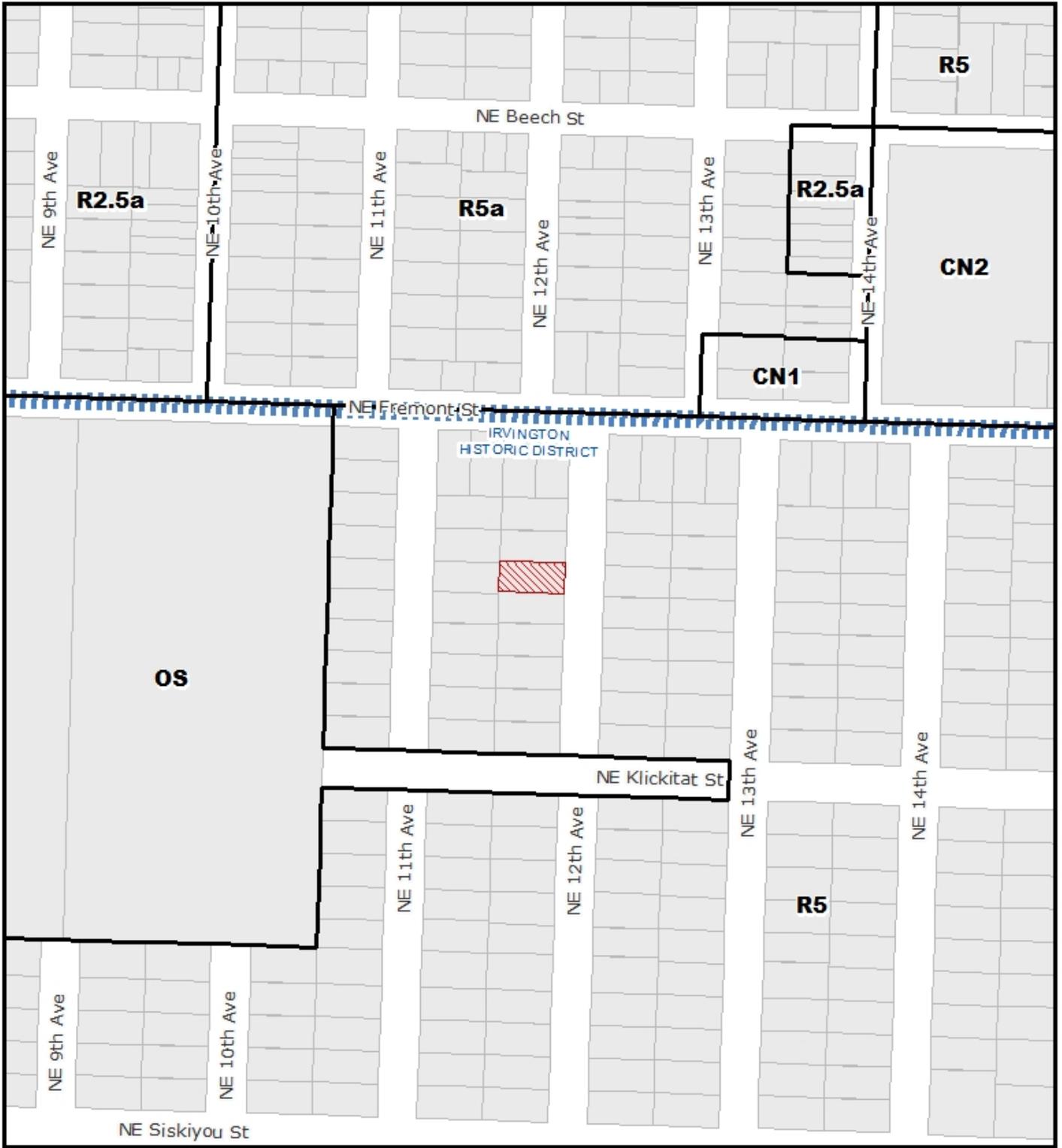
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Original Narrative
 - 2. Original Packet,
 - 3. Photograph of chimney
 - 4. Revised drawings, for information only- not approved
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Chimney elevation (attached)
 - 3. Chimney- side elevation
 - 4. Cutsheets- Clay flue tiles
 - 5. Mortar Design Mix
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses- none required
- F. Correspondence:
 - 4. Jenna Rose, 5/17/2018, wrote in support of the proposal.
 - 5. Dean Gisvold, ICA Land Use Committee, 5/23/18, wrote in opposition to the proposal.
 - 6. Rachel Lee, Sabin Community Association Board, Sabin Land Use & Transportation Committee, wrote in support of the proposal.
- G. Other:
 - 1. Original LU Application
 - 2. Chimney Photograph.

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 18-157018 HR
1/4 Section	2731
Scale	1 inch = 200 feet
State ID	1N1E26BA 4500
Exhibit	B Apr 23, 2018

IMPERVIOUS AREA

BUILDING COVERAGE

LOT AREA

DRIVEWAY _____

BUILDING FOOTPRINT _____

PATIO _____

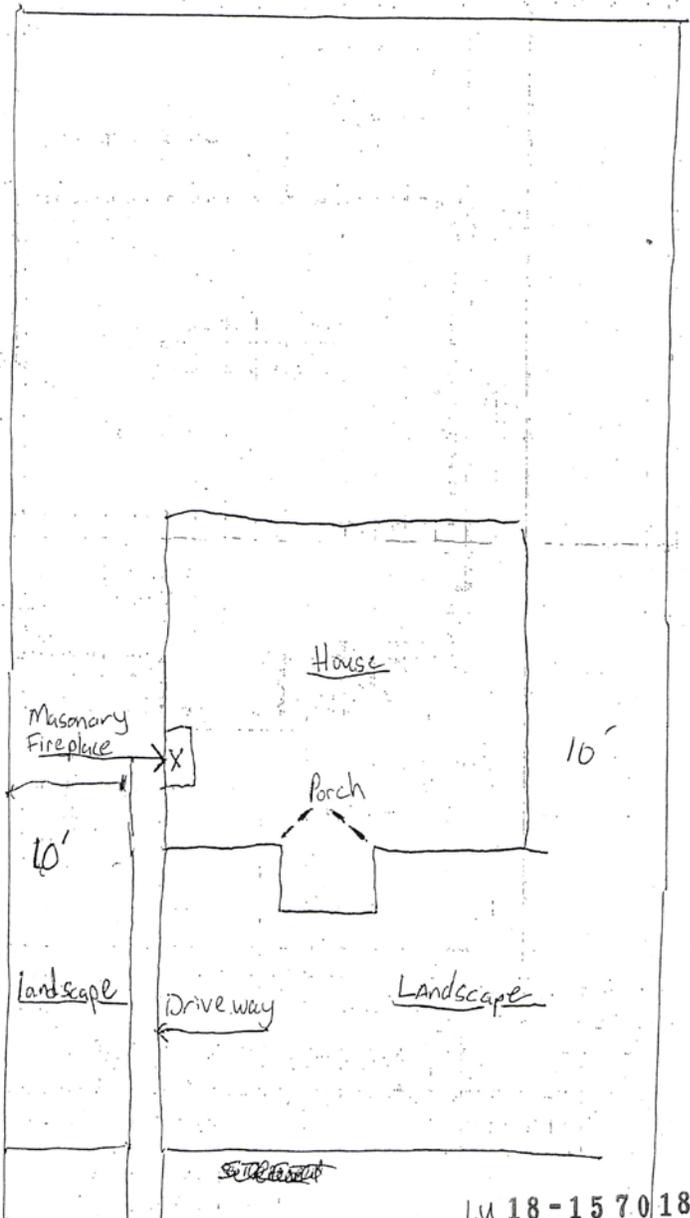
WALK _____

ROOF AREA
(INCL. OVERHANG) _____

44 x 100

TOTAL _____

44



Approved
 City of Portland
 Bureau of Development Services
 Planner APD
 Date 5-27-18

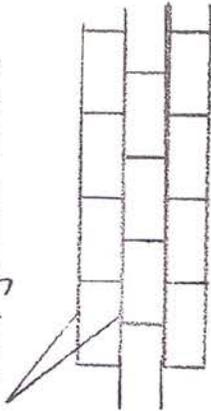
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

C-1
Sc

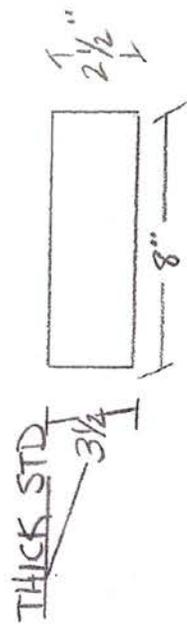
NOTES:

NEW BRICK IS MANUFACTURED TO MATCH ORIGINAL BRICK SIZE AND COLOR

3/8" MORTAR JOINTS GRAY



STANDARD RUNNING BOND



STD RED BRICK
COMMON SELECT
BY H.C. MUDDOX CO.

Approved
City of Portland
Bureau of Development Services
Planner fb
Date 5-29-18
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

20'-0"

26"

2'

AS PER ORIGINAL

DETAIL BRICK
BLOND IN COLOR
TO MATCH ORIGIN

LU 18-157018 HR

4'-8" 4'-6"

C2

LU 18-157018 HR