



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

Ted Wheeler, Mayor
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Date: November 1, 2018
To: Interested Person
From: Tanya Paglia, Land Use Services
503-823-4989 / Tanya.Paglia@portlandoregon.gov

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

The Bureau of Development Services has **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 18-235401 HR – REAR ALTERATIONS

GENERAL INFORMATION

Applicant/Owner: Jodi L. Morris & Jared D. Morris
2937 NE 20th Avenue | Portland, OR 97212
jodi.morris@gmail.com

Architect: Chris Bixby | Weil Bixby Architecture
1620 SE Hawthorne Boulevard | Portland, OR 97214

Site Address: **2937 NE 20th Avenue**

Legal Description: BLOCK 31 LOT 7, IRVINGTON
Tax Account No.: R420406640
State ID No.: 1N1E26AD 05600
Quarter Section: 2732

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:

The applicant is seeking Historic Resource Review approval for a proposal to renovate the back of the *Henry and Eva Jagger House*, a contributing resource in the Irvington Historic

District. The proposed alterations are all located on the rear (west) façade of the house and include the following:

- First floor:
 - Replace non-original double patio door with 2 double-hung, wood windows to match existing windows on the house; and
 - Add 30" wide multi-pane wood door to side of existing bump out.
- Second floor:
 - Replace balcony with shed roof featuring scroll cut rafters and outrigger bracket to match existing roof over bay window on south elevation; and
 - Replace non-original double patio door with new double-hung, wood window to match the existing original second floor window on the same façade.
- Third floor:
 - Replace non-original casement window with new double-hung, wood window to match existing windows on the house; and
 - Add new opening with new double-hung, wood window to match the other new third floor window.

Historic Resource Review is required because the proposal is 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 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 house is a single-family, two and a half-story Craftsman that is a contributing resource in the Irvington Historic District. The resource is identified in the National Register documentation as the *Henry and Eva Jagger House*. It features horizontal board cladding and a gable roof with brackets. It was built in 1911 by Herbert L. Camp & Co. The house sits slightly back from the street on a 5,000 SF lot facing east onto NE 20th Ave.

Irvington Historic District 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. 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 Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

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 there are no prior land use reviews for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **October 2, 2018**. No agency review was provided given the scope of work.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **October 2, 2018**. 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 Community Association Land Use Committee, wrote on October 8, 2018, in support of 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.

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.

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 G1, G2, G3, G4, G5, G7 and G9: The proposed alterations to the house's non-street-facing west facade will not significantly detract from the historic character of this contributing resource in the Irvington Historic District. The project area will be restricted to the renovation of an existing non-historic addition in the back of the residence and the replacement of existing non-historic windows to be more compatible with the original features and details still existing on the home. The house will remain a physical record of its time, place and use.

Historic features of the house will be retained as alterations are limited to areas of the rear façade which were already modified. None of the proposed work will alter changes made over time that have acquired historic significance. The project features quality materials and architectural elements compatible with the historic resource. The new roof and eaves to replace the existing non-historic deck will be constructed with similar details to the house's original features. This includes out-rigger brackets and scroll-cut rafters that are consistent with existing historic elements of the home. The proposed windows and door are consistent with the profiles and historic character of the subject resource as well as area homes of this period. All proposed new windows as well as the new door will be of wood construction and match existing wood trim and frame details and will use divided lite patterns replicating existing patterns.

The visual impact of the proposed alterations will thus be relatively modest as changes are highly compatible with the original resource and none of the proposed changes are to the street-facing façade. Conjectural features or architectural elements from other buildings that create a false sense of historical development will not be added.

The shift from non-original patio and balcony doors to windows and the shift from a balcony to a roof will not visually detract from the house's historic aesthetic while allowing it to modernize for an updated interior program. No modifications are proposed that will impact existing historic materials that characterize the property. The integrity of the resource will be preserved with the proposed alterations, and if the new elements were to be removed in the future, the form and integrity of the building would remain intact.

These criteria 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.

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 G8 and G10: The proposed project is focused on the renovation of an existing non-historic addition to the back of the house. The new wood windows, roof, and door will closely match the house's originals in design, materials and profiles. The changes proposed will not adversely impact the character defining features of the property. The design and placement of the proposed elements are compatible with the existing house and its architectural features. The exterior alteration will install features to match- and thus be already compatible with- the original resource's features. In the same way, the exterior alterations will be compatible with the adjacent properties and the rest of the district.

These criteria 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 proposed project will not detract from the house's role as a contributing resource in the Irvington Historic District with alterations designed to match existing conditions and to avoid any changes to existing character defining features of the resource. There will be no significant visible changes to the historical aesthetic of the building, especially as viewed from the street. 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 renovations to the rear façade of the *Henry and Eva Jagger House*, per the approved site plans, Exhibits C-1 through C-5, signed and dated October 30, 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 18-235401 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: Tanya Paglia

Decision rendered by:  **on October 30, 2018.**

By authority of the Director of the Bureau of Development Services

Decision mailed: November 1, 2018.

Procedural Information. The application for this land use review was submitted on September 10, 2018, and was determined to be complete on September 28, 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 September 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: January 28, 2019.**

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 **November 2, 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:

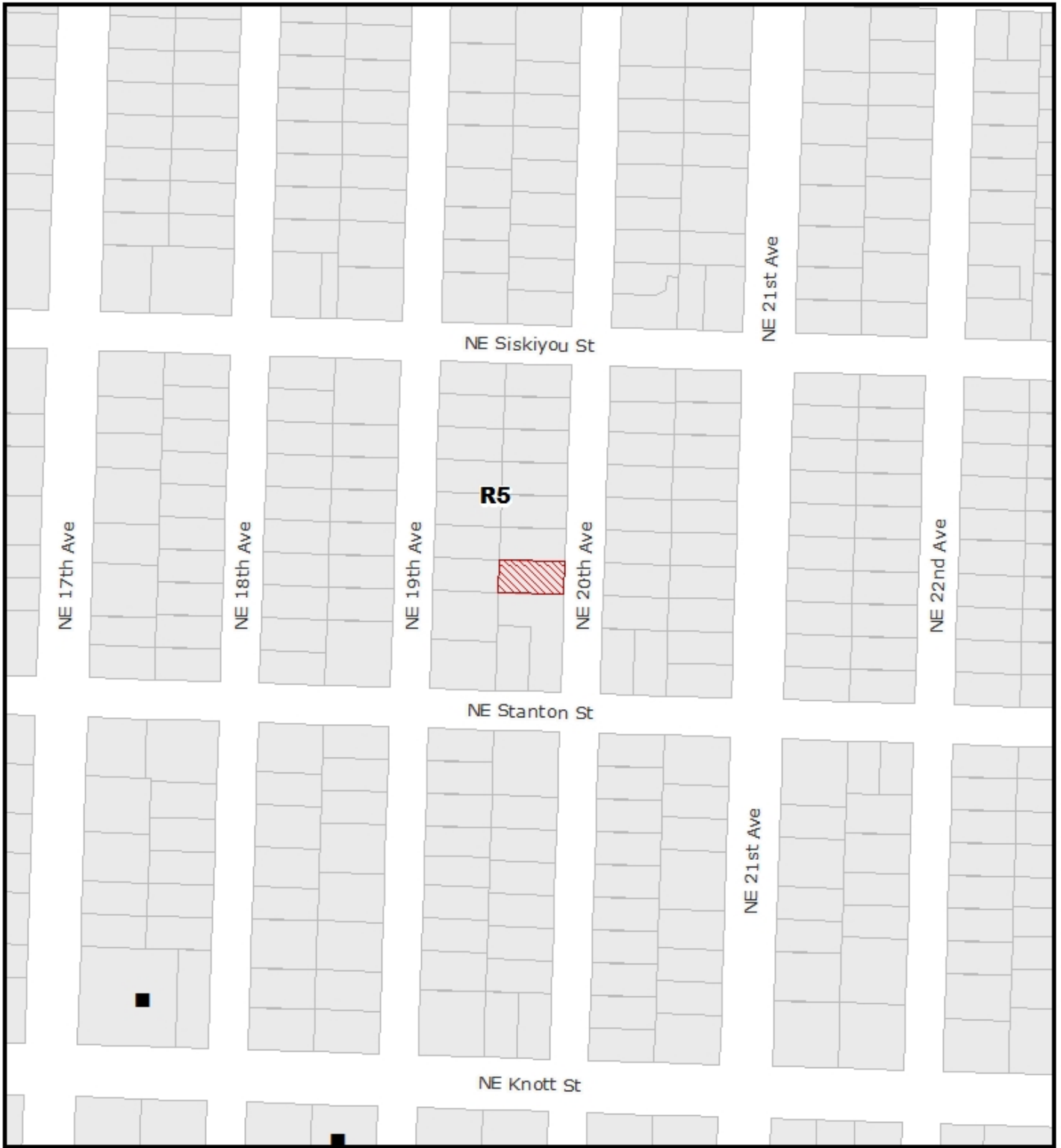
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 1. Applicant's Project Memo and Response to Approval Criteria
 2. Original plan set – NOT APPROVED/reference only
 3. Photos of house with Project Information
 4. Window and Door Cut Sheets
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan / Cover sheet (attached)
 2. Partial Floor Plan for First Floor
 3. Attic Master Suite Plan
 4. Proposed West & North Elevations & Sections at Deck Stairs & Bump Out (attached)
 5. Section and Details
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: No agency review was provided given the scope of work.
- F. Correspondence:
 1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote on October 8, 2018, in support of the proposal.
- G. Other:
 1. Original LU Application
 2. Incomplete Letter, 9/21/2018
 3. Oregon Historic Site Record

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



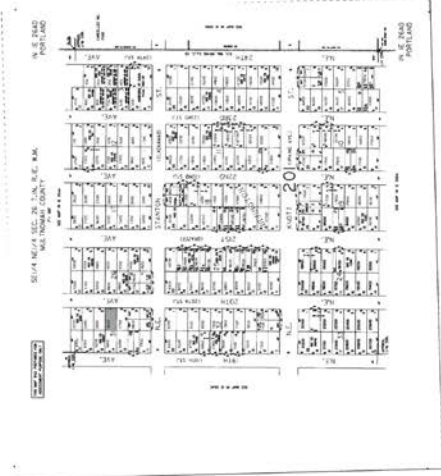
Historic Landmark

File No.	LU 18-235401 HR
1/4 Section	2732
Scale	1 inch = 200 feet
State ID	1N1E26AD 5600
Exhibit	B Sep 12, 2018

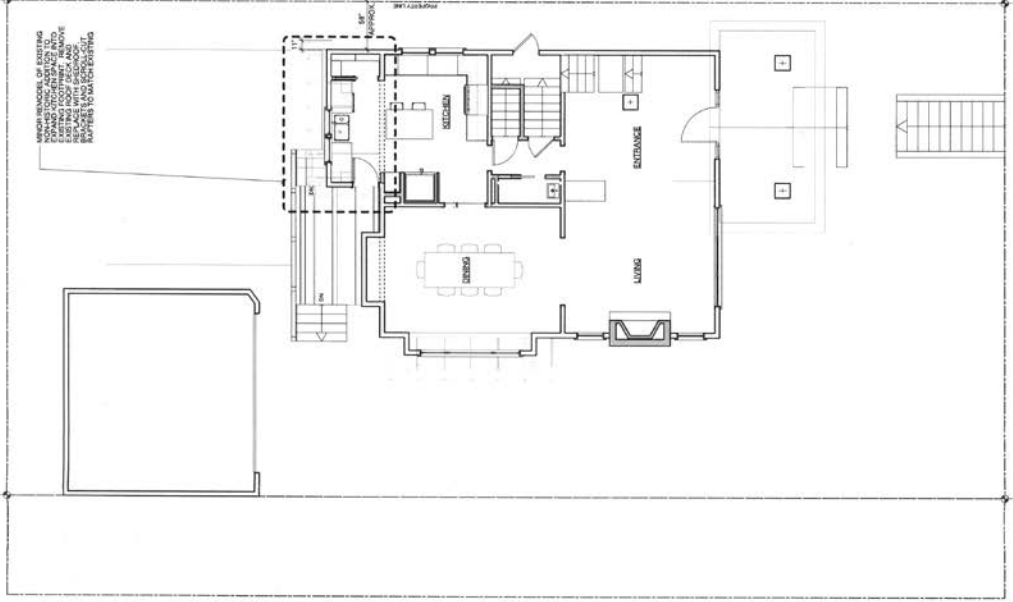
Approved*
 City of Portland - Bureau of Development Services
 Planner _____
 Date 10/30/2018
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



1 AERIAL SITE PHOTO
 Scale: 3/32" = 1'-0"



3 TAX MAP



2 SITE PLAN
 Scale: 3/16" = 1'-0"

- PROJECT DESCRIPTION**
- RENOVATION OF EXISTING HOUSE TO UPWARD COMPATIBLE WITH EXISTING HOUSING STOCK AND MATCH EXISTING ARCHITECTURAL PATTERNS TO MATCH EXISTING
- LANDUSE REVENUE NOTES**
- CITY OF PORTLAND ZONE R4
 - RENOVATION HISTORIC DISTRICT
 - 15% TOY TO GO REVISIONS
 - CONVERTING STRUCTURE
- DESIGN NOTES**
- NO WORK OCCURRING AT FRONT OR REAR OF HOUSE
 - ELEVATIONS MATCH EXISTING HISTORIC CHARACTER OF HOUSE
 - ON APPROVAL TO RE-INSTALL EXISTING PORCH WITH ORIGINAL MATERIALS TO MATCH EXISTING

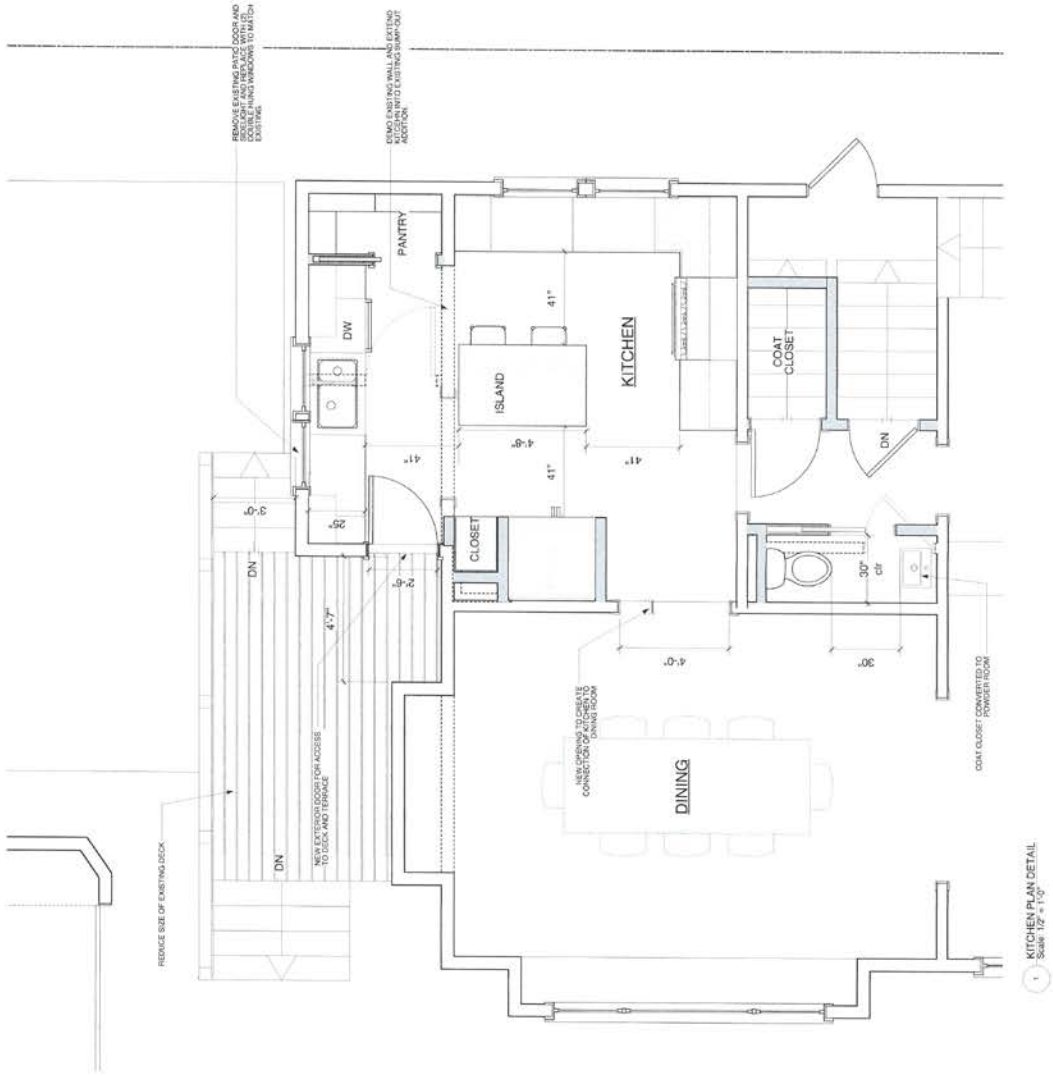
WBA
 WEST BUREAU ARCHITECTURE
 1225 SE HAWTHORNE
 PORTLAND, OR 97214
 503.231.1111

Irvington House Renovation - LU REVIEW

SHEEPMAN
 Portland, Oregon 97212
 2937 NE 20th

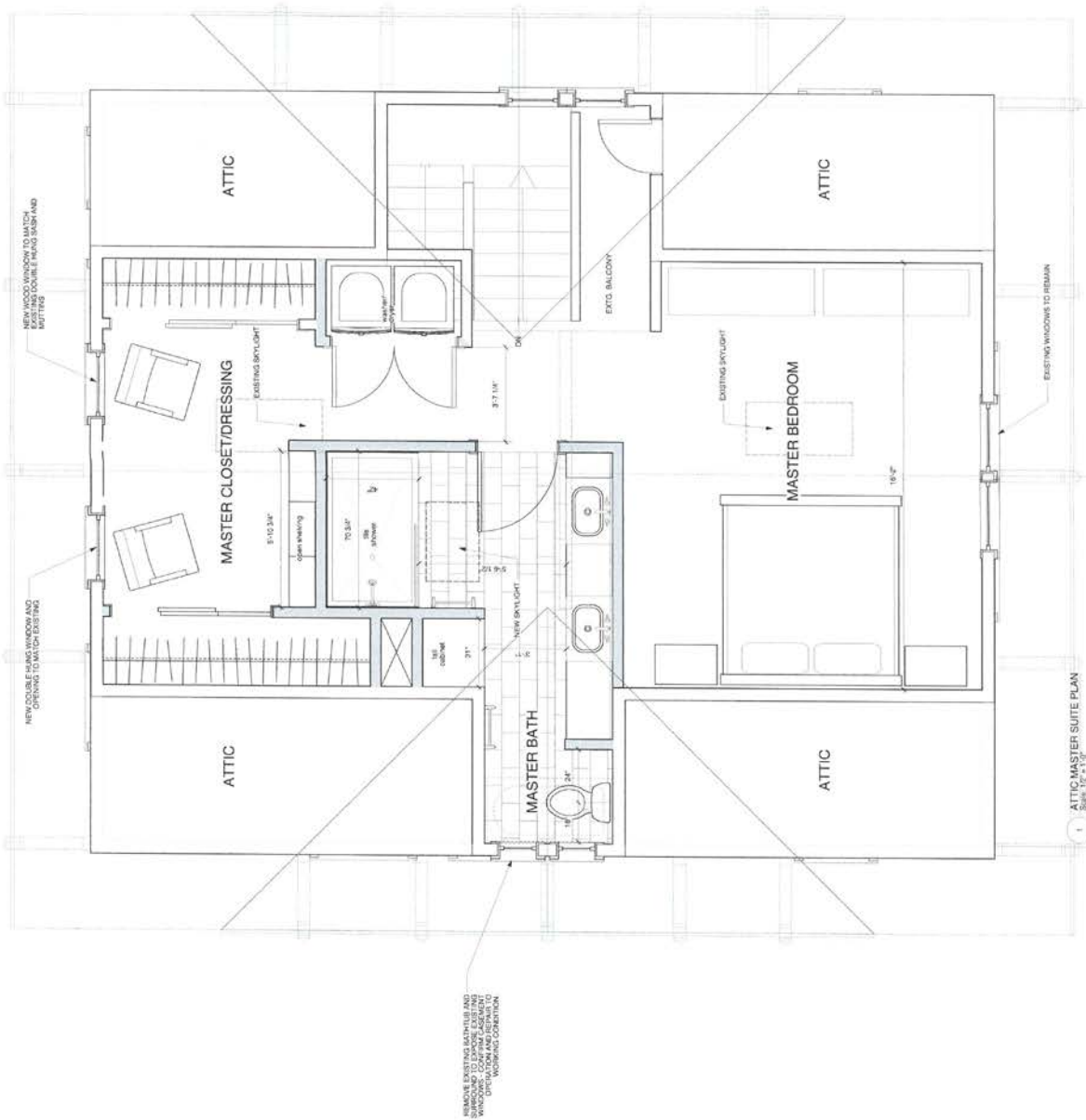
DATE: 10/30/18
 DRAWN: CDM
 CHECKED: CDM

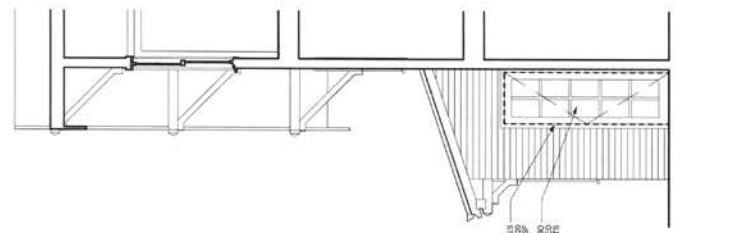
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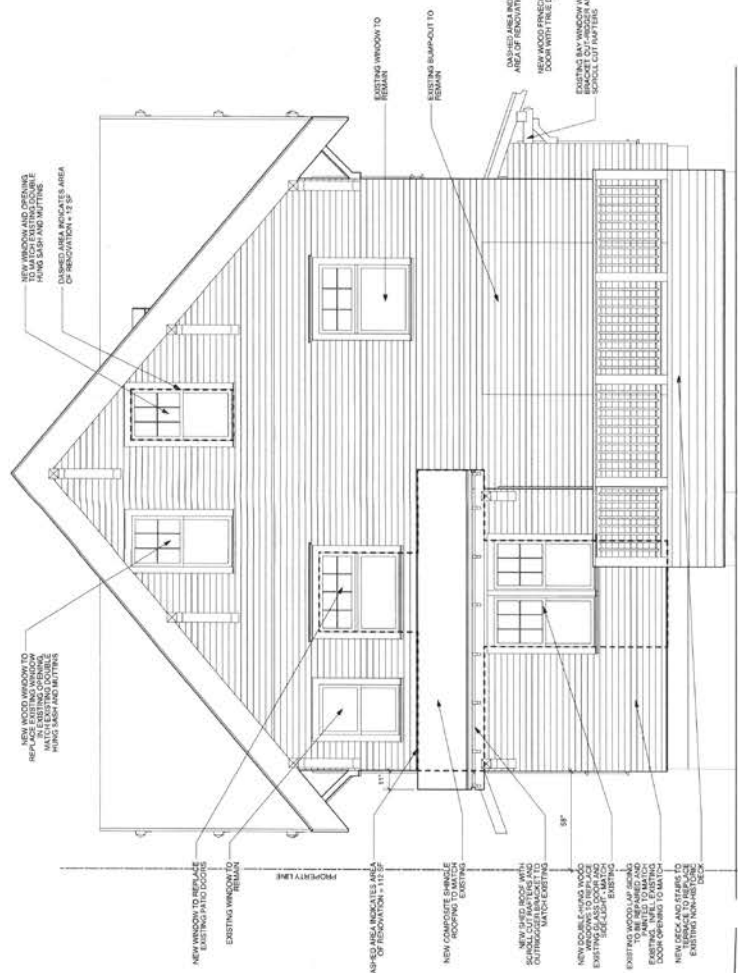
Approved
 City of Portland - Bureau of Development Services
 Date: 10/30/2018
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Approved
 City of Portland - Bureau of Development Services
 Planner *[Signature]*
 Date 10/30/2018
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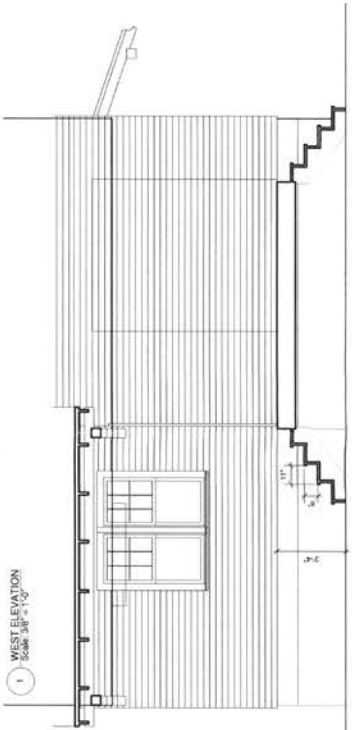




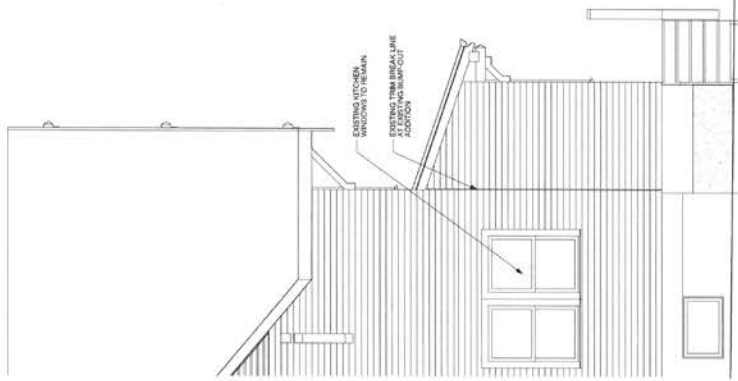
4 SOUTH ELEVATION AT EXTG BUMP-OUT
 Scale: 3/8" = 1'-0"



1 WEST ELEVATION
 Scale: 3/8" = 1'-0"



3 SECTION AT DECK STAIRS
 Scale: 3/8" = 1'-0"



2 NORTH ELEVATION
 Scale: 3/8" = 1'-0"

Approved*
 City of Portland - Bureau of Development Services
 Planner: [Signature] Date: 10/30/2018
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