



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

Ted Wheeler, Mayor
Rebecca Esau, Director
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www.portlandoregon.gov/bds

Date: December 17, 2018
To: Interested Person
From: Hannah Bryant, Land Use Services
503-823-5353 / Hannah.Bryant@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 18-259283 HR – BACKYARD LANDSCAPE + GARAGE RENOVATION

GENERAL INFORMATION

Applicant: Michael Howells | Howells Architecture
3820 SE Bybee Boulevard | Portland, OR 97202
(503) 869.3715

Owner: Cheryl Strayed & Brian Lindstrom
2440 NE 25th Avenue | Portland, OR 97212-4836

Site Address: **2440 NE 25th Avenue**

Legal Description: BLOCK 3 LOT 1-3, BRAZEE ST ADD
Tax Account No.: R098900500
State ID No.: 1N1E25CB 06000
Quarter Section: 2833
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 Laura Becker at 503-388-6088.

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 II**, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The proposal is for a backyard landscape renovation that includes adding windows to the existing garage wall that faces the back yard. While not all elements are subject to Historic Resource Review, the scope of the proposal includes:

- Addition of windows and doors to the side elevation of the existing garage, facing into the back yard.
- Addition of low retaining walls and fences along north and east property lines, to stabilize grades and maintain privacy.
- Replacement of existing at-grade hardscape (exempt from review).
- Steps between back yard and garage.
- Replacement of existing cedar deck with new, larger deck.
- New cedar hot tub (exempt from review).
- New outdoor showerhead.
- New fountain.

Historic Resource Review is required for non-exempt exterior alterations within a 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 criteria are:

- 33.846.060.G *Other Approval Criteria*

ANALYSIS

Site and Vicinity: The subject property, a two-and-a-half story stucco-clad Craftsman Style house with Prairie Style influences, was built in 1913. It is centered on a 100' x 75' lot. The National Register of Historic Places documentation for the Irvington Historic District lists the building as a contributing resource within the 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 that prior land use reviews include the following:

- LU 14-126176 HR: Historic Resource Review approval for the installation of new, wood guardrail in the three openings of a roofed, street-facing balcony structure.
- LU 14-167086 HR: Historic Resource Review approval for a new dormer on the east (rear) sloping roof.
- LU 18-150983 HR: Historic Resource Review approval for removal and replacement of rear doors, and removal of two side windows.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **November 16, 2018**. The following Bureaus have responded with no issues or concerns:

- Life Safety (exhibit E.1)
- Fire Bureau
- Site Development Section of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 16, 2018. One written response has been received from the Neighborhood Association.

- Gisvold, Dean, on behalf of Irvington Community Association. December 6, 2018. The ICA has no objections and appreciates the detail of the fence and retaining wall. (Exhibit F.1)

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.

Findings for 1 and 2: The proposal to revise the rear entrance to the garage, with new stairs and a new door and windows, will not be visible from either street frontage and will have minimal visibility from the upper stories of neighboring homes. The proposed proportions and spacing of the new garage windows and door are consistent with bands of windows on the house. A Condition of Approval C states that all new windows and the door on the garage will be wood, to match those recently approved through earlier Historic Resource Reviews for the primary structure. Consistent use of wood windows serves to retain the historic character of the property and ensure that the resource remains a physical record of its time.

With the Condition of Approval C, that all windows and door shall be wood, to match those on the house, these guidelines are met.

- 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.

Findings for 3, 4 and 5: The garage is a simple, utilitarian secondary structure. It does not share the roof slope, eaves, and architectural detailing of the house. Limited revisions to the rear elevation of the garage to enable ongoing use of this structure is consistent with treatment of secondary structures over time. This proposal does not change the historic proportions, material or detailing of the facades that are visible from the public realm. The garage continues to contribute to the neighborhood building typology in its use, form and design, while changing an elevation that is of little historic significance.

New windows will match those previously approved on the primary house. Where the existing garage door is removed, the wall will be infilled with stucco to match the texture and finish of the adjacent wall plane. All historic materials will be protected.

These guidelines are met.

- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 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 7, 8, 9 and 10: The proposed low, board-form concrete retaining walls topped with a horizontal cedar fence at the property line, and a large, terraced cedar deck, are clearly of a contemporary era and are not attempting to match historic landscape design or materials. The plantings, furnishings and design of residential back yards does not contribute to the character-defining identity of the Historic District. These are spaces that have always been subject to periodic updates and redesigns and may be easily removed or altered in the future without impacting the form or integrity of the historic resource.

The new fountain will not be visible from the neighboring homes but may provide subtle noise to enhance privacy between adjacent properties. The proposed exterior shower head is located where the landscape steps down toward the garage, and the shower is

fully screened from adjacent properties by the proposed fence and retaining wall, and an existing auxiliary structure on the neighboring property.

The addition of new windows on the rear elevation of the garage does not impact the legibility or historic significance of this contributing resource and is clearly differentiated from the original windows. The band of three new windows and a door is similar to the bands of windows found on the rear elevation of the house and maintains the compatibility of the garage.

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

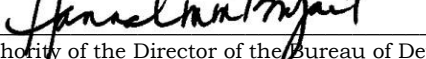
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of the removal of an existing rear garage door; the addition of three new windows and a door on the rear façade of the garage; new exterior stairs into the new garage door; a board-form concrete retaining wall with integrated planters and a fountain; a cedar fence; a large cedar deck, and an outdoor showerhead, per the approved site plans, Exhibits C-1 through C-14, signed and dated December 13, 2018, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 18-259283 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. All windows and door shall be wood.
- D. No field changes allowed.

Staff Planner: Hannah Bryant

Decision rendered by:  on December 13, 2018
By authority of the Director of the Bureau of Development Services

Decision mailed: December 17, 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 October 29, 2018 and was determined to be complete on November 9, 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 October 29, 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: November 4, 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.

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 December 31, 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 **January 2, 2019** 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.

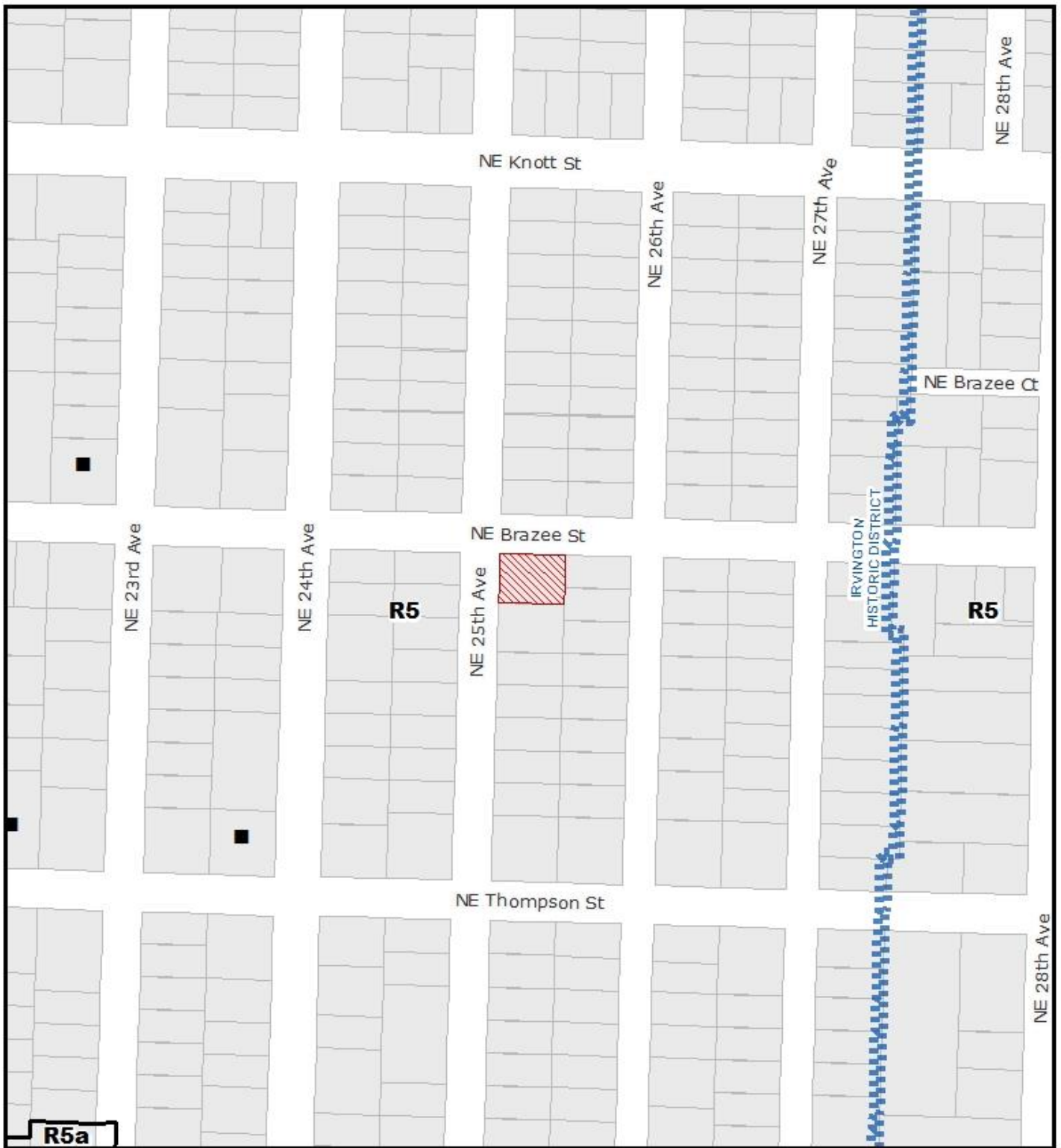
EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 1. Original Narrative;
 2. Original Submittal
 3. Email from Applicant, dated December 12, 2018
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. not used
 2. Site Plan (attached)
 3. Existing plan
 4. Proposed plan
 5. Proposed West Elevation

6. Proposed South Garage Elevation
 7. Existing North Elevation
 8. Proposed Garden Sections – north/south
 9. Proposed Garden Section – east/west
 10. Proposed West Elevation
 11. Fence, Stairs + Retaining Wall Details
 12. French Doors Cut Sheet
 13. French Doors Details
 14. Wood Windows Cutsheets
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Life Safety
- F. Correspondence:
1. Gisvold, Dean, on behalf of Irvington Community Association. December 6, 2018. The ICA has no objections and appreciates the detail of the fence and retaining wall.
- G. Other:
1. Original LU Application

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

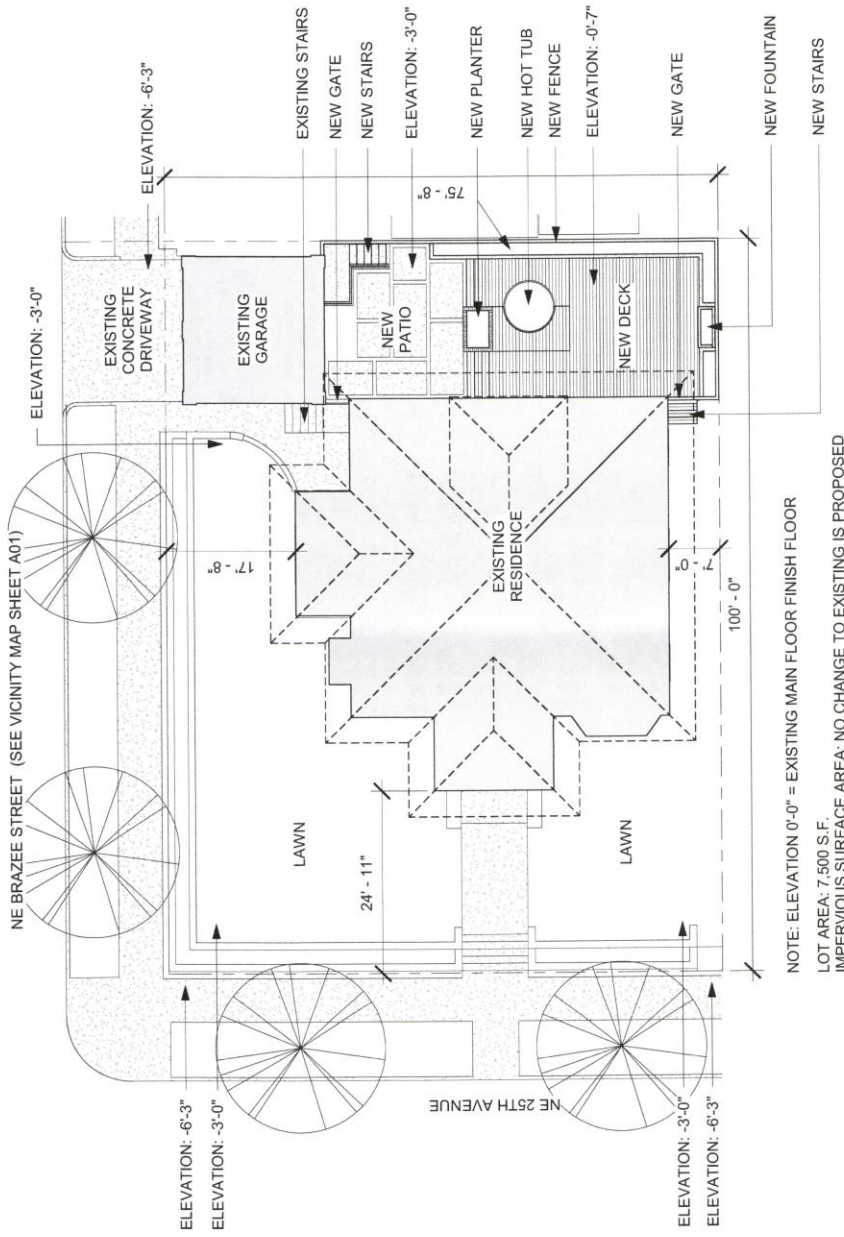


Site



Historic Landmark

File No.	LU 18-259283 HR
1/4 Section	2833
Scale	1 inch = 200 feet
State ID	1N1E25CB 6000
Exhibit	B Oct 31, 2018



NOTE: ELEVATION 0'-0" = EXISTING MAIN FLOOR FINISH FLOOR
 LOT AREA: 7,500 S.F.
 IMPERVIOUS SURFACE AREA: NO CHANGE TO EXISTING IS PROPOSED

Approved: _____
 City of Portland - Bureau of Development Services
 Date: 8/12/18
 * This approval applies only to the review requirements and is subject to all conditions of approval. Additional zoning requirements may apply.

SITE PLAN

BRIAN + CHERYL'S GARDEN
 2440 NE 25TH AVENUE
 PORTLAND, OR 97212

Date: 10.28.2018
 Scale: 1/16" = 1'-0"

HOWELLS ARCHITECTURE + DESIGN LLC 4133 SE 34TH AVENUE PORTLAND OR 97202 TEL 503 869 3715

A02

LA 18 - 259 283 HR