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

Date: February 5, 2019

To: Interested Person

From: Emily Hays, Land Use Services
503-823-5676 / Emily.Hays@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 18-223496 HR – *NEW DOOR & STAIRS*

GENERAL INFORMATION

Applicant: Max Holfert
1912 NE 11th Avenue | Portland, OR 97212
buildingforwardmax@gmail.com

Owners: Max Holfert & Vanessa Holfert
1912 NE 11th Avenue | Portland, OR 97212

Site Address: **1912 NE 11th Avenue**

Legal Description: BLOCK 267 LOT 3, HOLLADAYS ADD
Tax Account No.: R396219610
State ID No.: 1N1E26CD 03500
Quarter Section: 2831

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: Albina Community
Other Designations: Contributing Resource in the Irvington Historic District
Zoning: **R1a** – Residential 1,000 with Alternative Design Density overlay and 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 for a new basement door on the north (side) elevation on a contributing resource in the Irvington Historic District. New concrete stairs and landing with wood guardrail will provide access. The proposed elements are sited under an existing shed roof with wood posts and behind an existing fence.

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

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

- 33.846.060.G *Other Approval Criteria*

ANALYSIS

Site and Vicinity: The site is a rectangular parcel of 5,000 square feet, situated on the east side of NE 11th Avenue between NE Tillamook and Hancock Streets. The site is developed with an existing single-family house and a detached accessory structure, approved as an accessory dwelling unit in 1998. The street frontage is improved with a paved roadway, planter strip with street trees, and concrete public sidewalk. The National Register of Historic Places documentation for the Irvington Historic District evaluates the building as a contributing resource within the district.

Zoning: The Residential 1,000 (R1) is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouse, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets. Newly created lots in the R1 zone must be at least 10,000 square feet in area for multi-dwelling development. There is no minimum lot area for development with detached or attached houses or for development with duplexes. Minimum lot width and depth standards may apply.

The Alternative Design Density "a" overlay is in place to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

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.

The Albina Community Plan District implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling projects. The plan district's provisions also encourage the

development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.

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:

- LUR 98-01072 – Design Review approval to replace an existing garage with a detached accessory dwelling.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **January 14, 2019**. No written responses were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **January 14, 2019**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold, Chair of the Irvington Land Use Committee, on January 28, 2019 wrote that the ICA land use committee has no objections to the proposal. *See 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.
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: The proposed door and wood rail are both of a similar scale and style to other features on the structure and so respect and integrate the new design into the building. The new door will be detailed to match existing in style and trim. The existing horizonal siding will remain and not be impacted as all new work is below the painted trim band that marks the water table. The new door header will sit below the trim band and the opening will extend below grade. The historic resource will remain a physical record of its time, place, and use. No changes to the house that have acquired historic significance will be altered. *These criteria have been met.*

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: No significant archaeological resources will be affected by the proposal. *This criterion does not apply.*

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: The proposed alterations provide access to the basement on the north elevation of the resource. The location of the proposed alterations helps to minimize visibility from the right-of-way and will be screened by the existing fence. The new stairs and landing are sited fully beneath an existing shed roof. Collectively, the alterations proposed to the contributing resource will not impact the architectural integrity or character of the site or structure, which will remain a valuable contributing asset to the immediate neighborhood as well as the greater Irvington Historic District as a whole. *Therefore, these criteria 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 meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of Historic Resource Review for a new basement door on the north (side) elevation on a contributing resource in the Irvington Historic District. New concrete stairs and landing with wood guardrail will provide access. Approval per the approved site plans, Exhibits C-1 through C-7, signed and dated January 31, 2019, 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 18-223496 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."

B. At the time of building permit submittal, a signed Certificate of Compliance form (https://www.portlandoregon.gov/bds/article/623658) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.

C. No field changes allowed.

Staff Planner: Emily Hays

Decision rendered by: Emily Hays **on January 31, 2019**
By authority of the Director of the Bureau of Development Services

Decision mailed February 5, 2019

Procedural Information. The application for this land use review was submitted on August 17, 2018, and was determined to be complete on January 10, 2019.

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 August 17, 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: May 10, 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 **February 6, 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.

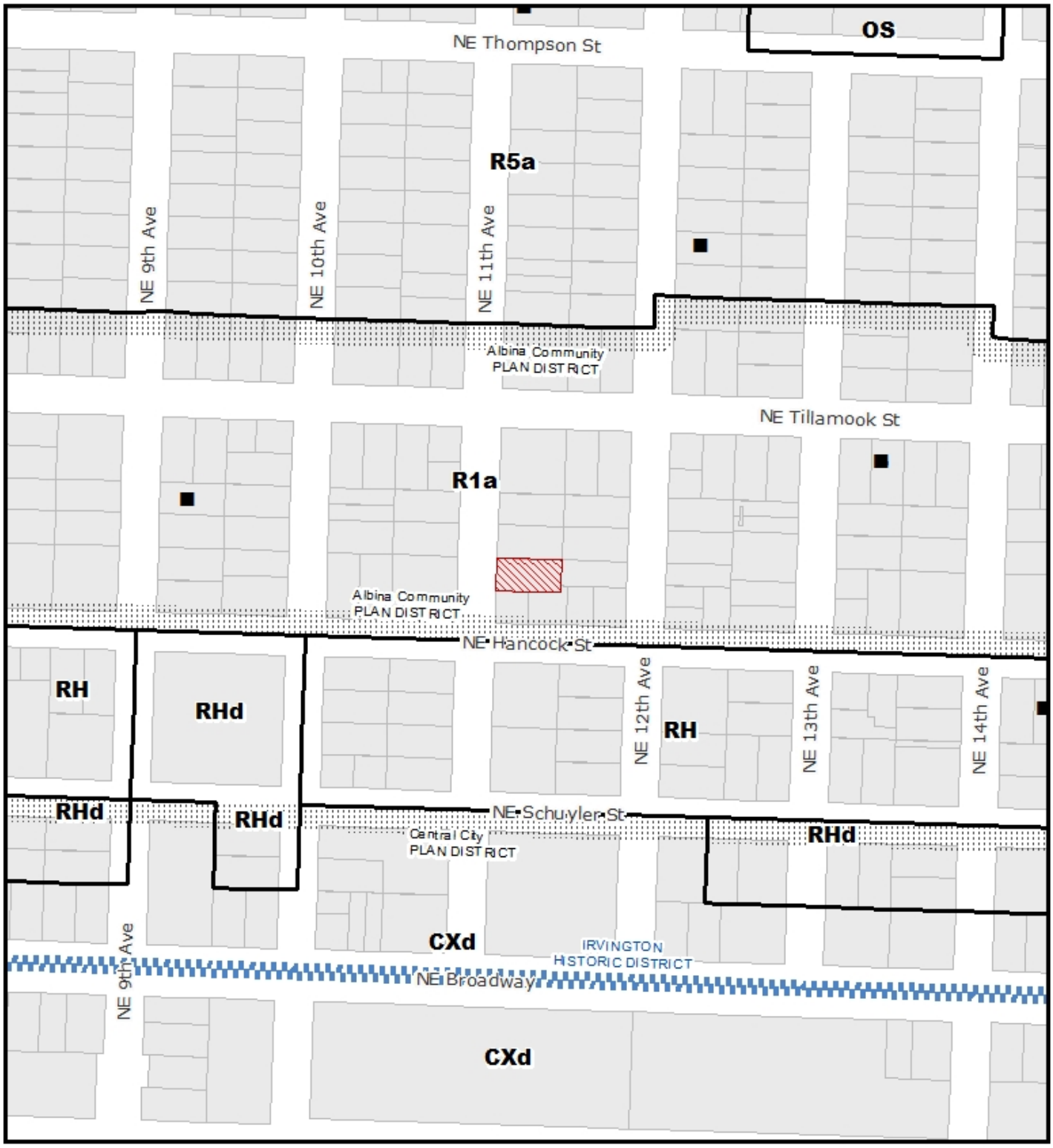
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permitees must demonstrate compliance with:

- 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. Original Drawing Set
B. Zoning Map (attached)
C. Plans/Drawings:
   1. Site Plan (attached)
   2. Basement Plan
   3. Elevations
   4. Elevations (attached)
   5. Wall Section and Elevation Details
   6. Enlarged Entry Section
   7. Door Details
D. Notification information:
   1. Mailing list
   2. Mailed notice
E. Agency Responses: No responses were received.
F. Correspondence:
   1. Dean Gisvold, January 28, 2019, ICA Land Use Committee, no objections.
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).



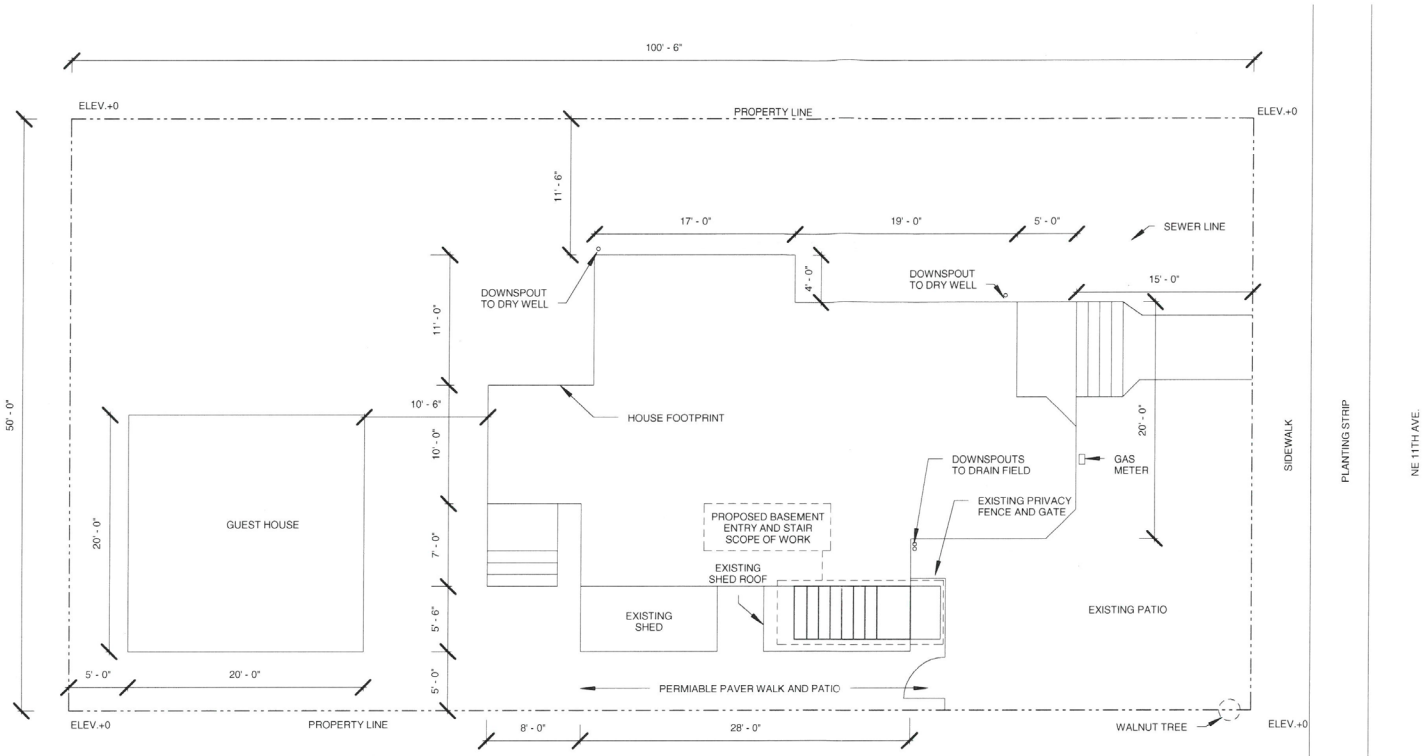
ZONING

NORTH

THIS SITE LIES WITHIN THE:
ALBINA COMMUNITY PLAN DISTRICT
IRVINGTON HISTORIC DISTRICT

Site
Conservation Landmarks
Historic Landmark

File No.	LU 18-223496 HR
1/4 Section	2831
Scale	1 inch = 200 feet
State ID	1N1E26CD 3500
Exhibit	B Aug 21, 2018



LOT SIZE= 5025 SQ FT
EXISTING FOOTPRINT
ATTIC= 300 SQFT
2ND FLOOR= 900 SQFT
MAIN FLOOR= 1088 SQFT
BASEMENT= 1088 SQFT

BUIDLING FOOTPRINT:
1200 SQFT HOUSE
400 SQFT GUEST HOUSE
TOTAL=1600 SQFT

IMPERVIOS AREA= 230 SQFT

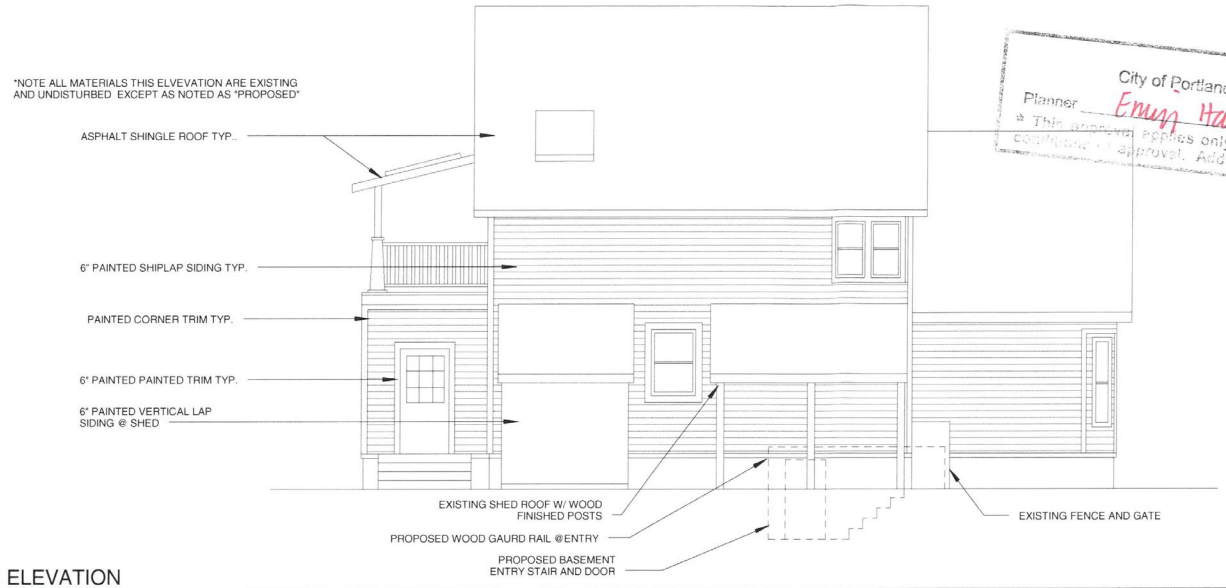
Approved
City of Portland - Bureau of Development Services
Planner Emily Hayes Date 1/31/19
* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 18-223496 HR
EXHIBIT C-1

1 SITE PLAN
1" = 10'-0"

PLOTTED: 1/3/2019 4:02:40 PM

PROJECT:	HOLFERT ESTATE
ADDRESS:	1912 NE 11TH AVE. PORTLAND OR
DATE	11/08/17
SCALE	1" = 10'-0"
TITLE	SITE PLAN
NUMBER	1



"Approved"
City of Portland - Bureau of Development Services
Planner Emily Hauf Date 1/2/19
This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

1 NORTH ELEVATION
1/8" = 1'-0"

2 SOUTH
1/8" = 1'-0"

LU 18-223496 HR
EXHIBIT C-4

PROJECT:	HOLFERT ESTATE
ADDRESS:	1912 NE 11TH AVE. PORTLAND OR
DATE	11/08/17
SCALE	1/8" = 1'-0"
TITLE	ELEVATIONS
NUMBER	2.2

PLOTTED: 1/3/2019 4:03:43 PM