



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

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**Date:** May 20, 2019  
**To:** Interested Person  
**From:** Megan Sita Walker, Land Use Services  
503-823-7294 / [MeganSita.Walker@portlandoregon.gov](mailto:MeganSita.Walker@portlandoregon.gov)

**NOTICE OF A TYPE II DECISION AND NOTICE OF A TENTATIVE APPEAL HEARING DATE FOR A PROPOSAL IN YOUR NEIGHBORHOOD**

The Bureau of Development Services has denied a proposal in your neighborhood. 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.

*If this case is appealed, the hearing for the appeal will be held Monday June 10, 2019 @ 1:30p.m. with the Portland Historic Landmarks Commission. The hearing will take place in Room 2500A (2<sup>nd</sup> floor) at 1900 SW 4<sup>th</sup> Avenue, Portland, OR 97201. If a timely and valid appeal is filed by the end of the appeal period at 4:30pm on May 31, 2019, no supplemental mailed hearing notice will be sent.*

*If appealed, the appeal will be listed on the online Historic Landmarks Commission hearing agenda no later than 5pm on Monday June 3, 2019. Online hearing schedules are available on the BDS web page ([www.portlandonline.com/bds](http://www.portlandonline.com/bds) → Zoning & Land Use → Notices, Hearings, Decisions... → Public Hearings → Historic Landmarks Commission Agenda). Copies of the appeal filing will be available by contacting the case planner, Megan Sita Walker (contact info. at top of page) on or after Monday June 3, 2019.*

*This tentative appeal hearing date will be cancelled if Portland Public Schools are closed due to inclement weather or other similar emergency. Check local television and radio reports for school closures. The hearing will be rescheduled for the earliest possible date. A renotification notice will not be sent. Please call the Case Planner, Megan Sita Walker (contact info. at top of page) for information regarding cancellations and/or rescheduling.*

**CASE FILE NUMBER: LU 19-102446 HR AD – 2<sup>ND</sup> STORY EXPANSION & BASEMENT ADU**

**GENERAL INFORMATION**

**Applicant:** Kendra Shippy | DMS Architects  
2325 NE 19th Ave  
Portland, OR 97212  
(503) 931-8915

**Owners:** Ronald Duplain & Tekla Duplain  
1027 Cottonwood Rd  
Charlottesville, VA 22901

**Site Address:** 2924 NE 7TH AVE

**Legal Description:** BLOCK 115 LOT 13, IRVINGTON

**Tax Account No.:** R420425180

**State ID No.:** 1N1E26BC 02100

**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 Laura Becker at 503-388-6088.

**Plan District:** None

**Other Designations:** Noncontributing resource in the Irvington Historic District

**Zoning:** R5 – Residential 5,000 with the Historic Resource Protection Overlay Zone

**Case Type:** HR – Historic Resource Review; and

AD – Adjustment Review

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

### **Proposal:**

The applicant requests Historic Resource Review approval for alterations to a noncontributing resource in the Irvington Historic District. The proposed alterations include:

#### Overall (all elevations)

- Remove and reorient the existing street-facing side-gable and rear gable roof forms and replace with a front-facing gable with a dormer on the south (side) elevation to accommodate additional living area at the 2<sup>nd</sup> level of the house;
- Enclose the south side of the previously altered front porch; and,
- At the proposed gable ends and where the south facing wall is extended to enclose part of the existing porch, new horizontal lap siding with a 6” reveal is proposed to be “similar” to the existing/original cedar lap siding to be restored elsewhere on the house.

#### On the West (front) Elevation

- Remove and replace non-original iron columns on the front porch and replace with wooden columns;
- Install one (1) all-wood casement window on the 1<sup>st</sup> floor in the area where the porch is proposed to be enclosed; and,
- Install two (2) all-wood windows on the 2<sup>nd</sup> floor.

#### On the South (side) Elevation

- Install three (3) all-wood casement windows on the 1st floor in the area where the porch is proposed to be enclosed;
- Relocate (raise the sills) of three (3) paired existing/ original windows;
- Install a new dormer with one (1) all-wood window; and,
- Install two (2) basement windows and window wells.

#### On the East (rear) Elevation

- Remove two (2) existing window on the 1st floor and replace with one (1) full-lite wood door; and,
- Install one (1) full-lite wood door.

#### On the North (side) Elevation

- Install two (2) egress windows and window wells.

The applicant is also requesting approval of an Adjustment to the follow standard:

1. 33.205.040.C.3 – to increase the maximum size of the proposed basement ADU from 800 SF to 900 SF.

**Note:** The scope of work also includes the removal of the non-original vinyl siding and restoration of the existing/ original cedar lap siding discovered intact underneath on all facades. Repair is considered exempt from review per PZC, Section 33.445.320.B.6.

Historic Resource Review is required because the proposal includes 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 criteria are:

- 33.846.060.G Other approval criteria
- 33.805.040 Approval Criteria

## ANALYSIS

**Site and Vicinity:** The subject property is a modest, one-and-a-half story Bungalow built in 1922 that fronts onto NE 7<sup>th</sup> Avenue, the western edge of the Irvington Historic District. The house has a side-facing gable facing the street with a small punched through eave. In the nomination the house is listed as non-contributing, with the nomination noting the following alterations that have already been removed (i.e., a metal awning, and pergola that was over the driveway), and alterations to features that are currently proposed to be restored (i.e., restoration of existing/ original cedar lap siding that remains underneath applied vinyl siding, and the replacement of non-original porch railing and iron columns). As such, elements of the proposal endeavor to remedy previously completed alterations that led to the house being listed as non-contributing, thus bringing the property closer to contributing to the 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. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally 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.

**Zoning:** The single-dwelling zones, including Residential 5,000 (R5), are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing.

The Historic Resource Protection Overlay zone 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 the following prior land use reviews for this site:

- EA 18-267219 APPT – Early Assistance appointment for the subject proposal.

**Summary of Applicant’s Statement:** use at your discretion to further explain proposal and/or how they propose to mitigate for impacts or meet approval criteria.

**Agency Review:** A “Notice of Proposal in Your Neighborhood” was mailed **April 12, 2019**. The following Bureaus have responded with no issues or concerns:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Life Safety Division of BDS

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on April 12, 2019. A total of five written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Ted Helprin, on April 16, 2019, wrote in in support of the proposal. See Exhibit F-1 for additional information.
2. Britanie Kessler, on April 17, 2019, wrote in in support of the proposal. See Exhibit F-2 for additional information.
3. Marcia Alvar & Richard Way, on April 30, 2019, wrote in in support of the proposal. See Exhibit F-3 for additional information.
4. Dean Gisvold, Chair of the ICA, on May 2, 2019, wrote in in support of the proposal. See Exhibit F-4 for additional information.
5. Cynthia Chase, on May 3, 2019, wrote in in support of the proposal. See Exhibit F-5 for additional information.

*Staff Response:* Staff supports the restoration of the structure that fronts onto NE 7<sup>th</sup> Avenue, the western boundary of the District, and the addition of habitable space for the residence. However, for the reasons stated in the findings for criterion #2, #8, and #10 below, staff finds that the proposal does not yet satisfy the above-mentioned approval criteria as currently designed. See findings for additional information.

## **ZONING CODE APPROVAL CRITERIA**

### **[1] 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.
- 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 1, 2, 3, 4, and 5:** The existing structure on the subject property – a bungalow built in 1922 – was constructed during the period of significance of the Irvington Historic District, the property is listed as a non-contributing resource in the district due to previous alterations. As stated above, the nomination notes the following alterations that have already been removed (i.e., a metal awning, and pergola that was over the driveway), and alterations to features that are currently proposed to be restored (i.e., restoration of existing/ original cedar lap siding that remains underneath applied vinyl siding, and the replacement of non-original porch railing and iron columns). While the alterations that were made to the property that led to the property being listed as non-contributing to the District are relatively minor, and much of the form of the original 1922 Bungalow remains intact, seeing as the property has a non-contributing status, the resource in this case is the Irvington Historic District. As such, the proposal does not include alteration to historically significant material, architectural features, or spaces contributing to the significance of the District.

*These criteria are 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:** 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. *These criterion is 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.
- 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 7 and 9:** While the proposed alterations will be differentiated through the use of contemporary materials and methods of construction. Also, while the subject house was constructed during the period of significance of the district, seeing as it is listed as non-contributing, the proposed development could be removed at a later date without negatively impacting the integrity of the resource, the Irvington Historic District, as a whole.

*These criteria are therefore met.*

**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.

**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 2, 8, and 10:** The proposal includes extensive alterations to the street-facing roof form of the house that do not yet adequately address the above-mentioned approval criteria. As the subject property is listed as non-contributing and the remaining integrity of the subject property is not seen as the resource, alterations and additions must firstly be designed to be compatible adjacent properties, and then compatible with the rest of the district. While not contributing to the significance of the district, the form of the 1922 bungalow – including the original street-facing side gable room form, and its relationship to adjacent resources on NE 7<sup>th</sup> Avenue which all have street-facing side gable roofs, remains intact.

While staff supports the proposal to increase habitable space, there are options readily available that result in retention of the primary street-facing roof form that would retain compatibility with adjacent resources and the district as a whole. Such alternatives could include the conversion of space in the basement for the primary dwelling unit, an addition off of the rear of the house, the construction of a detached ADU, or the reconstruction of a side-facing gable with a steeper pitch that allows for habitable space on the 2<sup>nd</sup> floor.

Given that there are less impactful options available that would retain the original roof form of the house, its relationship and therefore compatibility to all adjacent resources on NE 7<sup>th</sup> Avenue that have side-gable roof forms facing the street, and the proposal to remove the original roof of the structure, and reorient it to reference other resources in the district creates a false sense of historic development, these criteria are not yet met.

The proposal also includes the restoration of “Existing cedar horizontal lap siding with a 6” reveal under existing vinyl siding”. For new wall area, the current note states, “New Horizontal Lap siding with 6” reveal similar to main house”. While staff supports the restoration of the original cedar lap siding that remains intact underneath the vinyl siding, it is critical that the proposed siding in areas that will be patched and in new wall area match the original restored siding in terms of material, profile, and reveal to address the approval criteria that speak to architectural compatibility. This is especially the case in areas where the restored cedar lap and proposed siding will be in the same plane. As additional information on the material of the proposed siding, and details to confirm the match have not yet been provided, staff does not yet support the proposed lap siding.

*These criteria are therefore not met.*

## **[2] 33.805.010 Purpose**

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply citywide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would

preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

**The following adjustment is requested:**

- Maximum Size [PZC, 33.205.040.C.3]: Requires that the size of the accessory dwelling unit may be no more than 75 percent of the living area of the primary dwelling unit or 800 square feet of living area, whichever is less. The applicant proposes a 900 SF ADU that exceeds the 800 SF maximum size by 100 SF.

**33.805.040 Approval Criteria**

Adjustment requests will be approved if the review body finds that the applicant has shown that approval criteria A through F have been met:

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified.

**Findings:** Zoning Code Section 33.205.040.C.3 limits the maximum size of ADUs to no more than 75% of the living area of the primary dwelling or 800 square feet, whichever is less. As the living area of the primary dwelling at this site is 1,320 square feet, the maximum size limit for an ADU at this site is 800 square feet. The applicant requests an Adjustment to increase the maximum size allowed for an ADU to 900 square feet. The purposes of the regulation limiting the size of ADUs are in Zoning Code Section 33.205.040.A. These purposes are listed below, followed by findings demonstrating how the proposal equally or better meets each purpose.

- *Ensure that accessory dwelling units are compatible with the desired character and livability of Portland's residential zones;*

Desired character at this site is the preferred and envisioned character of the area based on the purpose statement of the single-dwelling zones. The character statement of the single-dwelling zone states:

*The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing; and*

*The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods.*

As the proposed ADU is located in the basement within the existing footprint of the house with access via a door off of the rear of the house, the 100 square foot addition of living area to the ADU will not be visible or discernable from outside the existing house, and will, therefore have no impacts on the livability of adjacent residential areas.

The proposal is consistent with the desired character of the area as reflected by the purpose statement for single-dwelling zones. *This purpose is equally met.*

- *Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;*

As the proposed ADU is located in in the basement within the existing footprint of the house, the relationship of structure (including the primary dwelling unit and the proposed ADU) to the existing front, side, and rear yards will remain the same even with the additional 100 square foot of ADU living area. Also, the additional 100 square feet of ADU living area proposed in the existing basement will result in no change to the

placement of structures on the lot or the ability to share the existing driveways, yards, or other common shared spaces. *This purpose is equally met.*

- *Ensure that accessory dwelling units are smaller in size than houses, attached houses, or manufactured homes.*

The ADU is located in the basement level within the existing footprint of the house. The main floor/ living area of the primary dwelling is 1,320 square feet, including the areas on the main level, existing upper level, and in the basement, which is significantly more than the 900 square feet proposed for the ADU. Even with the additional 100 square feet, the ADU will be smaller than the primary dwelling unit the house. *This purpose is equally met.*

- *Provide adequate flexibility to site buildings so that they fit the topography of sites.*

The ADU is located on the basement level of the existing house. The additional 100 feet of living area proposed to be added to the ADU also will be located in the existing basement level. This purpose is equally met, as the existing house structure, in which both the primary dwelling unit and ADU are located is already successfully located on the site in a manner that fits the flat topography of the site.

As detailed in the findings above, all purposes of the regulation limiting the size of the ADU at this site to 800 square feet are equally met with an ADU that is 900 square feet in area. *This criterion is met.*

- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area.

**Findings:** The ADU is located in a converted area of the basement level of the house within the existing footprint of the house and the entrance to the ADU is accessed from a door on the ground level at the rear of the house. The ADU is an allowed use at the site. As the proposed ADU is located in a converted basement within the existing footprint of the house, the addition of 100 square feet of living area to the ADU will not be visible or discernable from outside the existing house and will, therefore, have no impacts on the livability or appearance of adjacent residential areas. *This criterion is met.*

- C.** If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

**Findings:** Only one adjustment is requested. *This criterion is not applicable.*

- D.** City-designated scenic resources and historic resources are preserved.

**Findings:** The subject property is listed as a noncontributing resource in the Irvington Historic District and therefore is located within the Historic Resource Protection Overlay zone. The regulations of the Historic Resource Protections Overlay zone implement Portland's Comprehensive Plan policies that address historic preservation. *This criterion is met.*

- E.** Any impacts resulting from the adjustment are mitigated to the extent practical.

**Findings:** The requested adjustment is to convert an existing basement into a 900 SF ADU which exceeds the maximum size of 800 SF by 100 SF. As the proposed ADU is located within the existing footprint of the structure (no addition at this level is

proposed) and the proposed ADU is accessed via a rear door, there are no discernible impacts that would result from granting the requested adjustment. *This criterion is met.*

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable.

**Findings:** Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). The subject site is not within an environmental zone. *Therefore, this criterion is not applicable.*

## 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

Aspects of the proposal that move the property closer to contributing, such as the removal of non-original elements that led to the listing of the property as non-contributing to the District, and the restoration of original material, respect the architecture the existing house and support the character of the house and the district. However, the proposal as a whole does not yet adequately address criteria #2, #8, and #10 that speak to not adding architectural elements from other buildings, architectural compatibility and compatibility with adjacent resources.

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise design standards and their ability to convey historic significance. The purpose of Design Review is to promote the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. The purpose of the Adjustment Review process is to provide a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations.

While the proposal does not yet meet the applicable Historic Resource Review approval criteria, and therefore does not yet warrant approval, the proposed Adjustment Review to increase the maximum size of the proposed basement ADU from 800 SF to 900 SF does meet the applicable Adjustment approval criteria and therefore warrants approval of the Adjustment Review.

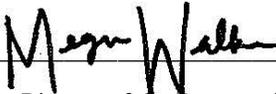
## ADMINISTRATIVE DECISION

Denial of the Historic Resource Review.

Approval of the Adjustment to increase the maximum allowed living area (33.205.040.C.3) of the ADU from 800 square feet to 900 square feet.

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review (Adjustment Review) as indicated in Exhibits C.1-C.9. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 19-102446 HR AD No field changes allowed."

**Staff Planner: Megan Sita Walker**

**Decision rendered by:**  on (May 15, 2019)

By authority of the Director of the Bureau of Development Services

**Decision mailed: May 20, 2019**

**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 January 7, 2019, and was determined to be complete on April 8, 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 January 7, 2019.

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 extended by the applicant, **the 120 days will expire on: August 6, 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 June 3, 2019** at 1900 SW Fourth Ave. Appeals can be filed at the 5<sup>th</sup> floor reception desk of 1900 SW 4<sup>th</sup> 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](http://www.portlandonline.com).

**Attending the hearing. *If this decision is appealed, an appeal hearing will be held at 1:30pm on Monday June 10, 2019 – please see the front page of this notice for additional information.*** 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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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.

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
  - 1. Original Project Description & Response to Approval Criteria
  - 2. Original Drawing Set & Renderings
  - 3. Revised Project Description & Response to Approval Criteria, Rec'd March 1, 2019
  - 4. Updated Drawing Packet, Rec'd March 1, 2019
  - 5. Photos of Houses in the District
  - 6. Sketches, Rec'd March 14, 2019
  - 7. Sketches, Rec'd March 15, 2019
  - 8. Sketches, Rec'd March 25, 2019
  - 9. Updated Narrative with Adjustment Review response, Rec'd April 3, 2019
  - 10. Updated Drawing Packet, Rec'd April 3, 2019
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Existing Elevations
  - 3. Proposed Elevations (attached)
  - 4. Existing Floor Plans
  - 5. Proposed Main Floor Plan
  - 6. Proposed Second Floor Plan
  - 7. Proposed Basement Floor Plan
  - 8. Proposed Sections – Longitudinal & Transverse
  - 9. Section Details
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation
  - 3. Life safety Division of BDS
- F. Correspondence:
  - 1. Ted Helprin, on April 16, 2019, wrote in in support of the proposal.
  - 2. Britanie Kessler, on April 17, 2019, wrote in in support of the proposal.
  - 3. Marcia Alvar & Richard Way, on April 30, 2019, wrote in in support of the proposal.
  - 4. Dean Gisvold, Chair of the ICA, on May 2, 2019, wrote in in support of the proposal.
  - 5. Cynthia Chase, on May 3, 2019, wrote in in support of the proposal. See Exhibit F-5 for additional information.

G. Other:

1. Original LU Application
2. Incomplete Letter, January 18, 2019
3. Staff Memo, March 11, 2019
4. Early Assistance Planner Response, January 17, 2018 (with EA Drawing Set)
5. Email Correspondence between staff and the applicant

**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).**

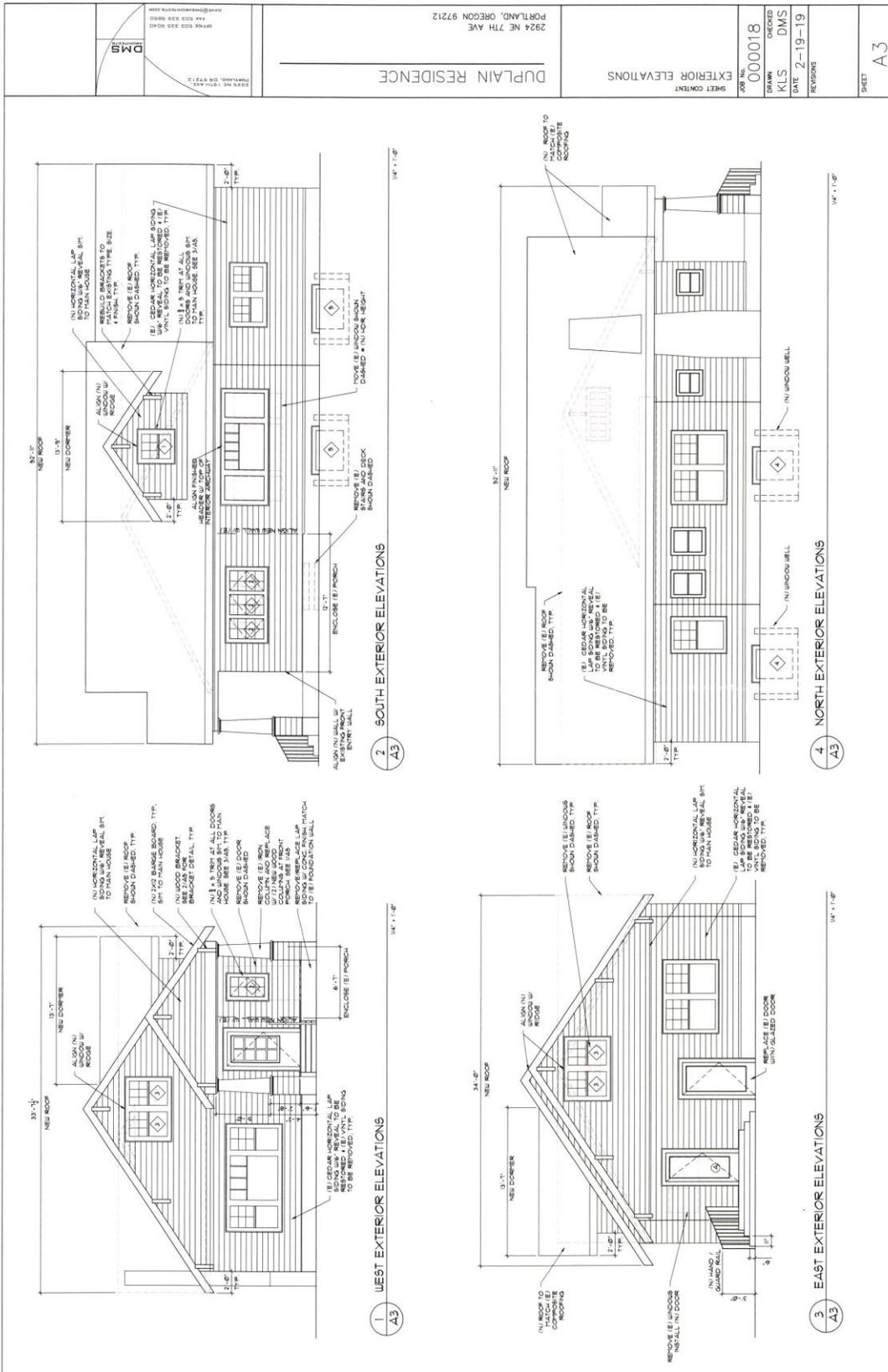


**ZONING**   
 THIS SITE LIES WITHIN THE:  
 IRVINGTON HISTORIC DISTRICT

 Site  
 Historic Landmark

File No. LU 19-102446 HR AD  
 1/4 Section 2731  
 Scale 1 inch = 200 feet  
 State ID 1N1E26BC 2100  
 Exhibit B Apr 03, 2019





SHEET <b>A3</b>	
REVISIONS DATE: 2-19-19 DRAWN: DMS CHECKED: KLS	SHEET NO: <b>000018</b>
EXTERIOR ELEVATIONS EXTERIOR ELEVATIONS	
2924 NE 7TH AVE PORTLAND, OREGON 97212	
DMS 3000 NE 7TH AVE PORTLAND, OR 97212 503.255.3300	

LU 19-102446 HR, AD