



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

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Date: June 27, 2019
To: Interested Person
From: Hannah Bryant, Land Use Services
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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 19-148315 HR – REAR ADDITION IN IRVINGTON

GENERAL INFORMATION

Applicant/Owner: Emily & Nicholas Jackson
 3027 NE 12th Ave, Portland, OR 97212

Representative: Kristopher Celtnieks | Clarkbuilt Inc
 4138 SE 42nd Ave, Portland, OR 97206
 (503) 729-6182

Site Address: **3027 NE 12TH AVE**

Legal Description: BLOCK 87 LOT 3, IRVINGTON
Tax Account No.: R420420250
State ID No.: 1N1E26BA 17500
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: Contributing Resource in Irvington Historic District
Zoning: R5, Single-Dwelling Residential 5,000
Case Type: HR, Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:
 The applicant seeks Historic Resource Review for a 172 square foot, 1-story addition to the rear elevation of the existing contributing resource. The addition will replace an existing deck and is requested to facilitate a kitchen remodel. Siding, trim, eave details and roofing are proposed to match the existing materials on the primary contributing resource. New windows and doors are

proposed to be aluminum-clad. A previous 2016 Historic Resource Review approved replacement of non-original aluminum windows with new wood windows on the west and north elevations.

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

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- 33.846.060.G – Other Approval Criteria

ANALYSIS

Site and Vicinity: The 5,000-square-foot site is located on west side of NE 12th Avenue at the north end of the block in the northwest quadrant of the Irvington Historic District. The site contains a “contributing” 1912 two story residence built in the Craftsman style.

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 address. 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 after original construction, but still within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

Regarding area amenities in proximity to the site, the resource is surrounded by a variety of resources within a 5 minute (approximately .25 mile) walk. These amenities include the Irving City Park to the northwest, restaurants, cafes, a grocery store and various other retailers to the north and west.

The site is well served by a number of transportation options and amenities. Bus access close to the site is provided by the #8, which runs on NE 15th Avenue to the east, and the #24 which runs on NE Fremont to the north. Designated City Bikeways surround the site: NE 15th to the east, NE Klickitat Street to the north NE 7th to the east. While not in a pedestrian district the Eliot Pedestrian District is located four blocks away across NE 7th Avenue to the west.

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 prior land use reviews for this site including:

- LU 16-183326 HR – Historic Resource review approval of a new driveway and retaining wall and replacement of aluminum windows with wood windows.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **May 2, 2019**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation Engineering (exhibit E.1)
- Site Development Section of BDS (exhibit E.2)
- Life Safety (exhibit E.3)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on May 2, 2019. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Gisvold, Dean (on behalf of the Irvington Community Association), May 23, 2019. The ICA would prefer wood windows in the addition and would like the low fence painted white.

Staff Response: A Condition of Approval states that the new windows and doors shall be wood. This fence is not subject to a building permit and is therefore exempt from Historic Resource Review.

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.

Findings for 1, 2 and 3: The proposal to replace a non-original rear deck with a 180 square foot rear addition facilitates the continued use of the contributing resource without negatively impacting its character or its historic significance. Small rear additions of this scale are common in Irvington, where sleeping porches were often enclosed to create living space, or rear decks were enclosed. The addition of the small, one-story rear addition will not be visible from the street and will not create a false sense of historic development when viewed from neighboring properties. *Therefore, these criteria are met.*

- 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.

Findings for 4, 5, and 7: The proposed addition will have the same footprint as an existing (non-original) rear deck and will be clad with painted cedar siding with a 3” exposure, to match the siding on the primary resource. The low hip roofline will match the slope of the front porch and will have asphalt shingles to match those on the house and front porch. Vertical trim corner boards will be retained at the corner of the house to differentiate the original house form from the new addition. Through this proposed addition, a non-original, awkward roofline condition at the rear elevation will be removed. A rear bump out appears to have once had its roofline modified to accommodate a previous addition. That addition was removed, but the awkward roofline remained. The addition of this low hip-roofed element will infill the area where previous roofing was removed and create a more coherent rear façade. New windows and doors in the addition will be wood, to match the wood windows elsewhere on the house. *Therefore, with Condition of Approval C, that the new doors and windows in the addition are wood, to match the existing wood windows in the primary resource, 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.

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 one-story addition will replace a small existing deck. The roofline matches the front porch roofline in height and slope. The wood windows will match those used elsewhere on the house. Its small mass and matching details ensure the addition will be compatible with the resource's massing, size, scale and features. The addition can be easily removed in the future to restore the original massing of the contributing resource. Located on the rear façade and stepped back from the corner to differentiate it from the sidewall of the primary resource, the addition is well-considered and compatible with both the original resource, the adjacent properties and the Historic District. *Therefore, with Condition of Approval C, that the new doors and windows in the addition are wood, to match the existing wood windows in the primary resource, 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 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.

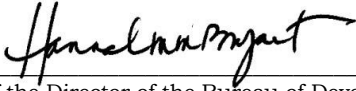
ADMINISTRATIVE DECISION

Approval of a 182 square foot one-story addition on the rear façade per the approved site plans, Exhibits C-1 through C-13, signed and dated June 25, 2019, 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 19-148315 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. The new doors and windows in the addition shall be wood to match the existing wood windows in the primary resource.

D. No field changes allowed

Staff Planner: Hannah Bryant

Decision rendered by:  **on June 25, 2019**

By authority of the Director of the Bureau of Development Services

Decision mailed: June 28, 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 April 15, 2019 and was determined to be complete on April 29, 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 April 15, 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 requested that the 120-day review period be extended (exhibit A.2). Unless further extended by the applicant, **the 120 days will expire on: September 3, 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 July 12, 2019** 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 July 12, 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.

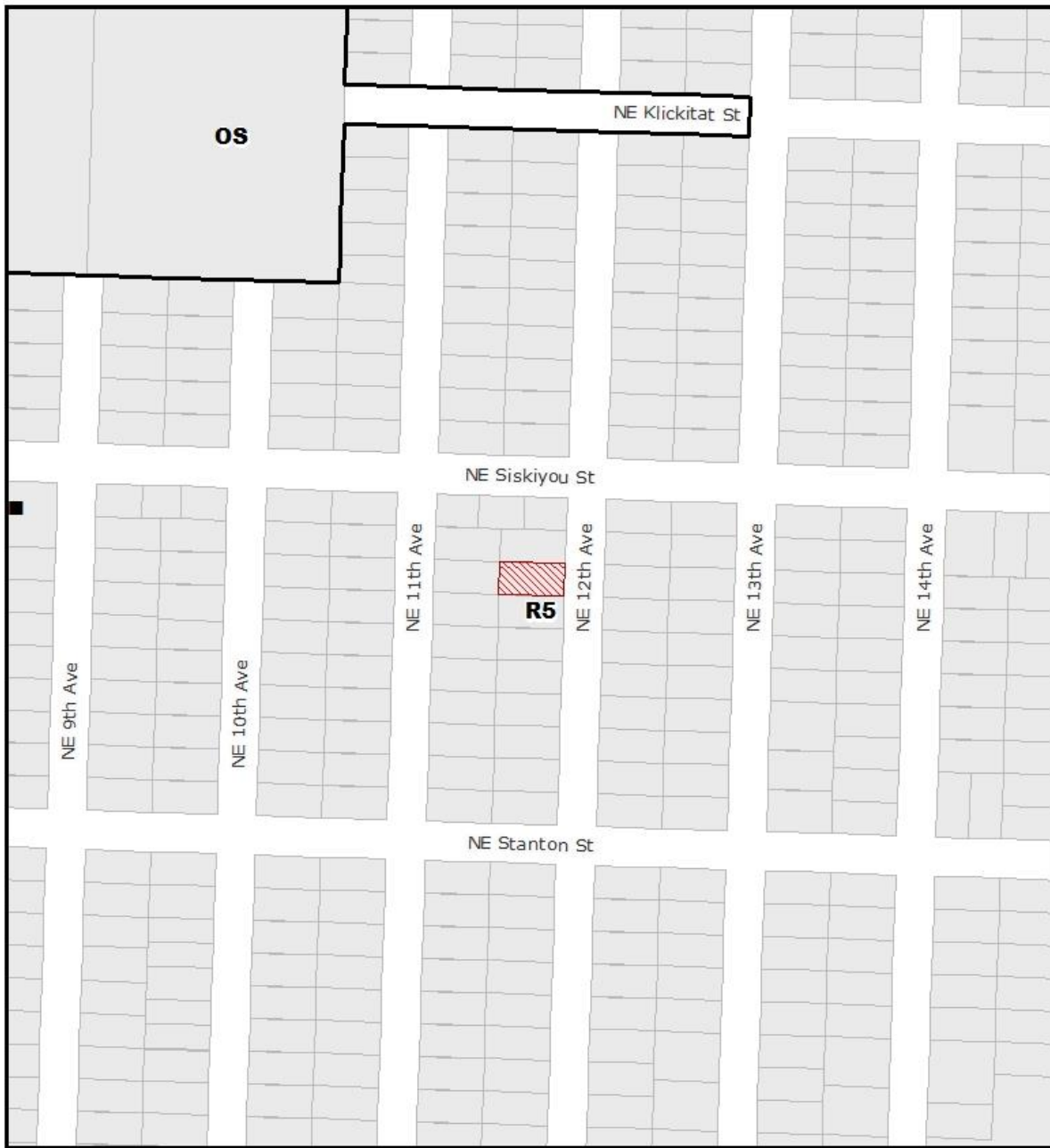
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- 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 Submittal
 - 2. Extension
 - 3. Email from applicant agreeing to wood windows
 - 4. Site photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Zoning Information
 - 3. Existing Floorplans
 - 4. Existing Elevations
 - 5. Existing South Elevation
 - 6. Existing Building Section
 - 7. Existing Building Section
 - 8. Proposed Floor Plan
 - 9. Proposed Elevations
 - 10. Proposed Elevation
 - 11. Proposed Building Section
 - 12. Proposed Building Section
 - 13. Building Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Transportation Engineering and Development Review
 - 2. Site Development Review Section of BDS
 - 3. Life Safety
- F. Correspondence
 - 1. Gisvold, Dean. May 23, 2019. ICA land use committee supports the proposal provided there are wood windows. It suggests a white picket fence.
- 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 
NORTH
THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

-  Site
-  Historic Landmark

File No.	<u>LU 19-148315 HR</u>
1/4 Section	<u>2731</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E26BA 17500</u>
Exhibit	<u>B Apr 16, 2019</u>

