



City of Portland
Bureau of Development Services
Land Use Services Division

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**FINAL FINDINGS, CONCLUSIONS AND DECISION OF THE
HISTORIC LANDMARKS COMMISSION
ON AN
APPEALED ADMINISTRATIVE DECISION
(TYPE II PROCEDURE)**

Case File Number: LU 19-102446 HR AD 2nd-Story Expansion & Basement ADU

The Administrative Decision for this case was appealed by Kendra Shippy to the City of Portland Historic Landmarks Commission. The Landmarks Commission granted the appeal and overturned the Administrative Decision that denied the proposal.

The Historic Landmarks Commission has **approved** a proposal in your neighborhood. This document is only a summary of the decision. The reasons for the decision, including the written response to the approval criteria and to public comments received on this application, 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.

GENERAL INFORMATION

Applicant/ Appellant:	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 2nd 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 1st floor in the area where the porch is proposed to be enclosed; and,
- Install two (2) all-wood windows on the 2nd 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 7th 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.

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 and the Commission support the restoration of the structure that fronts onto NE 7th Avenue, the western boundary of the District, and the addition of habitable space for the residence. Staff originally denied the proposal due to the orientation of the roof being dissimilar from all other resources on the street. At the appeal hearing the majority of the Commission found that the other work proposed helped mitigate for the differentiation of the roof pitch and with the changes to the details discussed at the hearing on June 24, 2019, the proposal is approvable. See findings for additional information.

Appellant Statement: The Appellant/ Applicant avers that the proposal, as originally designed, satisfies the applicable approval criteria.

Public Hearing: On June 10, 2019, the Landmarks Commission held the first of two public hearings to consider an appeal of the Administrative Decision on this case. The appeal was limited to the Administrative Decision dated May 20, 2019 that denied the Historic Resource Review for proposed changes to a non-contributing resource in the Irvington Historic District.

Megan Sita Walker, the case planner and representative of the Bureau of Development Services (BDS)/Land Use Services Division, made a PowerPoint presentation (Exhibit H-4) that included a brief summary of the proposal, slides of the subject site and surrounding neighborhood, a summary of BDS' findings related to the approval criteria, and a summary of key issues raised in the appellant's statement.

Following the BDS presentation, the appellant/applicant, (Kendra Shippy and Dave Spitzer), testified and submitted exhibits into the record (Exhibits H-5). Next, the owners, in support of the appeal provided testimony. The Landmarks Commission followed with questions for staff, the appellant/ applicant, and owners. The Landmarks Commission then closed the record and deliberated on the evidence and testimony that was submitted into the record. After deliberation, the Landmarks Commission directed staff to prepare findings supporting its decision for consideration. Consideration of the revised findings occurred at the Landmarks Commission meeting on June 24, 2019 where the Landmarks Commission voted 4-0 to grant the appeal based on the revisions made (between the June 10th and June 24th hearings), and the revisions discussed at the June 24, 2019 hearing.

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: The proposed alterations will be differentiated through the use of contemporary materials and methods of construction. The proposed rood orientation will also differentiate this non-contributing resource from its contributing neighbors. 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: As the subject property is listed as non-contributing, the resource in this case is the Irvington Historic District as a whole. The Commission found that while the subject property is non-contributing, it was constructed during the period of significance of the district, and therefore preserving original material, and redesigning the detailing (e.g., brackets, columns, and front porch enclosure) to reference the simplified detailing original to the subject house rather than introducing detailing that is not compatible with the house should be pursued. The Commission found that with these restorative aspects, the reorientation of the roof could be supported as the house would celebrate the existing/ original fabric that remains, and the front gable roof would allow the retention of the original chimney and not detract from views and access to light and air of the adjacent contributing resources from the street. As such, with the revised detailing and treatment of the porch enclosure, presented and approved at the June 24, 2019 hearing, that celebrates existing/ original material and detailing, the reorientation of the roof would continue to be compatible with the original material of the house, the historic fabric of adjacent resources, and the district as a whole.

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". At the first hearing on June 10, 2019, the applicant clarified that the proposed new horizontal lap siding will match the existing / original cedar lap siding in terms of material, reveal, and profile. The restoration of the original cedar lap siding that remains intact underneath the vinyl

siding and the use of siding that match the original restored siding in terms of material, profile, and reveal are architectural compatible.

With the preferred changes discussed at the June 24, 2019 hearing, these criteria are 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 demonstrate conformance with all development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

The proposal intendeds to preserve original material, and with the redesign of detailing to reference the simplified detailing original to the house rather than introducing detailing that is not compatible, the proposal as a whole continues to celebrate the existing/ original fabric that remains. The reorientation of the roof to a front facing roof allows the proposal to not detract from views of the adjacent contributing resources from the street. As such, the proposal is compatible with the original material of the house, and the historic fabric of adjacent resources and the district as a whole.

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. With the changes discussed at the hearing, the proposal meets the applicable Historic Resource Review approval criteria, and therefore warrants approval. Additionally, the proposed Adjustment Review to increase the maximum

size of the proposed basement ADU from 800 SF to 900 SF meets the applicable Adjustment approval criteria and therefore warrants approval.

LANDMARKS COMMISSION DECISION

Grant the appeal and overturn the Administrative Decision, thereby approving the Historic Resource Review for exterior alterations to a non-contributing resource in the Irvington Historic District to include the following:

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 2nd 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 1st floor in the area where the porch is proposed to be enclosed; and,
- Install two (2) all-wood windows on the 2nd 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

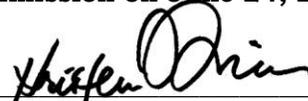
- Install two (2) egress windows and window wells.

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.

Approved, per the approved site plans, Exhibits C-1 to C-9 signed and dated June 24, 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 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 19-102446 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.

These findings, conclusion and decision were adopted by the City of Portland Historic Landmarks Commission on June 24, 2019.

By: 

Kristen Minor, Chair

Date Final Decision Effective/Mailed: July 8, 2019
120th day date: August 6, 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 is final and becomes effective the day the notice of decision is mailed (noted above). This decision may not be appealed to City Council; however, it may be challenged by filing a “Notice of Intent to Appeal” with the State Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed, pursuant to ORS 197.620 and 197.830. A fee is required, and the issue being appealed must have been raised by the close of the record and with sufficient specificity to afford the review body an opportunity to

respond to the issue. For further information, contact LUBA at the 775 Summer Street NE, Suite 330, Salem, OR 97301 [Telephone: (503) 373-1265].

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 9, 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 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. Proposed Elevations (attached)
 3. Proposed Main Floor Plan
 4. Proposed Second Floor Plan
 5. Proposed Basement Floor Plan

6. Proposed Building Sections – Longitudinal & Transverse
7. 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.
- 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
- H. **First Hearing**
 1. Notice of Decision and Notice of Potential Appeal w/ Mail List, dated May 20, 2019
 2. Appeal Statement from Kendra Shippy
 3. Staff Memo to Commission, dated June 3, 2019
 4. Staff Powerpoint, June 10, 2019
 5. Appellant/ Applicant Powerpoint, June 10, 2019

Second Hearing

 6. Staff Powerpoint, June 24, 2019
 7. Appellant/ Applicant Powerpoint, June 24, 2019
 8. Updated Drawing Set, Rec'd June 24, 2019

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).

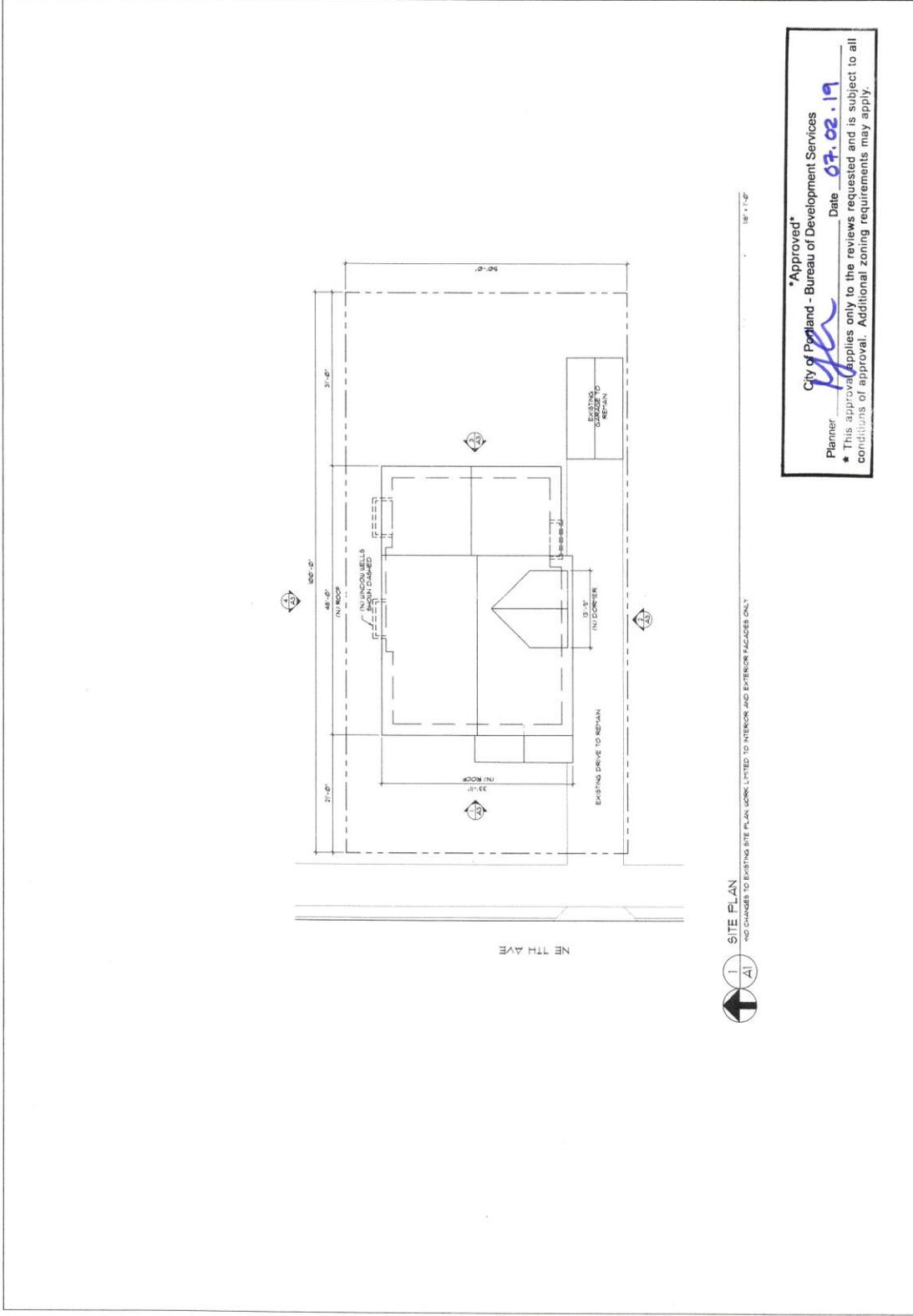


ZONING 
↑
NORTH
THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

 Site
 Historic Landmark

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

 <p>2225 NE 19TH AVE PORTLAND, OR 97218 OFFICE 503 338 9045 503@dmsonline.com</p>		<p>2924 NE 7TH AVE PORTLAND, OREGON 97212</p>		<p>DUPLAIN RESIDENCE</p>	
<p>SHEET CONTENT SITE PLAN</p>		<p>JOB NO. 000018</p>		<p>DATE 1-3-18</p>	
<p>DRAMA CHECKED</p>		<p>KLS DMS</p>		<p>REVISIONS</p>	



Approved
 City of Portland - Bureau of Development Services
 Planner *gja* Date **07.02.19**
 * This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

1 SITE PLAN
 NO CHANGES TO EXISTING SITE PLAN WORK LIMITED TO INTERIOR AND EXTERIOR FACADES ONLY

LU 19-102446 HR, MD

SHEET A1 of 3

