



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

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

Date: August 1, 2019
To: Interested Person
From: Megan Sita Walker, Land Use Services
503-823-7294 / MeganSita.Walker@portlandoregon.gov

NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 19-139532 HR - BAY EXTENSION & WINDOW RELOCATION AND REMOVAL

GENERAL INFORMATION

Applicant/ Owner: Helen Opie
2417 NE 11th Ave | Portland, OR 97212
(971) 219-5528

Site Address: 2327 NE 9TH AVE

Legal Description: BLOCK 107 LOT 8, IRVINGTON
Tax Account No.: R420423530
State ID No.: 1N1E26CB 12500
Quarter Section: 2831

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: Soul District Business Association, contact at info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Laura Becker at 503-388-6088.

Plan District: None
Other Designations: Contributing resource in the Irvington Historic District
Zoning: R5a – Residential 5,000 with Historic Resource Protection Overlay and Alternate Design Density Overlay
Case Type: HR – Historic Resource Review

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

Proposal:
The applicant is seeking Historic Resource Review approval for alterations to a contributing resource in the Irvington Historic District. The subject resource is a Foursquare built in 1910 with horizontal board siding. The proposal includes the expansion of an existing bay on the north elevation along the driveway. The existing bay is approximately 7'-5" wide, measures

approximately 1'-11" deep, and the bottom of the bay is located approximately 7'-0" above adjacent grade. The proposal includes extending the bay down to the ground and increasing the depth of this element to 2'-11" to accommodate an internal stair serving habitable space in the basement and attic. The two (2) seemingly original sixteen-over-one all-wood windows located within the bay are proposed to be reinstalled within the wall of the pop-out. In order to retain the existing/ original sixteen-over-one windows, the top of the bay is proposed to be 6" taller than the existing condition. The non-original eave detailing of the pop-out is also proposed to be deepened to better relate to the existing/ original detailing on the front porch.

The proposal also includes the following alterations all on the north elevation: replacement of a pair of original double hung windows with two (2) repurposed all-wood windows with higher sills; the replacement of two (2) narrow non-original windows with one (1) all-wood double-hung window salvaged from existing windows proposed to be removed; the relocation of an existing/ original window to align with a window below, and the removal an original 2nd-story window to be patched with siding to match the existing condition.

Historic Resource Review is required as the proposal includes non-exempt exterior alterations within a Historic District.

Relevant Approval Criteria:

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

- 33.846.060.G *Other approval criteria*

ANALYSIS

Site and Vicinity: The subject property, a 3-story Foursquare, was constructed in 1908 and is listed as a contributing resource in the Irvington Historic District. Development of the neighborhood spread slowly from the southwest corner toward the northeast, following the patterns of streetcar development, first along NE Broadway, followed by extensions north into the neighborhood. The district comprises an eclectic assortment of late 19th and early 20th century architectural styles, including Queen Anne, Craftsman, and Period Revival styles. Garages built during the period of significance were either built at the same time as the associated residences for the later developments, or were later additions to the earlier residences, and were most commonly located at the rear or front of the property.

The site is located on a block bound by NE 9th Avenue, NE 8th Avenue to the east and west, and NE Brazee Street, and NE Thompson Street to the north and south. According to the Transportation System Plan (TSP), the site is immediately surrounded by local service transit streets. Major transit priority streets in proximity to the site include Martin Luther King Jr Boulevard to the west and NE Broadway and NE Weidler Streets to the south. These same streets provide bus transit service for the site. NE 9th Ave is designated as a City Bikeway.

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

The Historic Resource Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and protects certain historic resources in the

region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

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 indicates one prior land use reviews for this site.

- LU 17-245834 HR: Unnecessary Historic Resource Review for work exempt per PZC, 33.445.320.B.7 *Maintenance*.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **June 21, 2019**. The following Bureaus have responded with no issues or concerns:

- Life Safety Division of BDS (See Exhibit E-1)
- Fire Bureau (See Exhibit E-2)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 21, 2019. A total of three (3) written responses were received (one during the first comment period and two during te re-noticed comment period) from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on May 4, 2019, wrote with concerns regarding the detailing differentiating the extension of the bay and the retention of the rear porch cover if the rear door is proposed to be removed. See Exhibit F-1 for additional information.
2. Don Baldwin, neighbor, on June 27, 2019 wrote in in support of the proposed alterations with questions about the procedure type. See Exhibit F-2 for additional information.
3. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on July 12, 2019, wrote in to re-submit previous comments for the revised/ re-noticed proposal. See Exhibit F-3 for additional information.

Staff Response: The proposed scope of work exceeds the threshold for a Type I review, and therefore must be processed (and re-noticed) as a Type II Historic Resource Review. Since the first proposal was mailed, staff worked with the applicant to address concerns with the removal of the rear door, the detailing of the bay extension and the retention and reuse of historic window sashes. While the extension continues the extended plane down to the ground and is not recessed, framing the bay down to the ground in the manner proposed allows the detailing added to the base of the bay which connects this element to the existing/ original water table and barge board detailing. The proposed condition also allows for added shear value than would a recessed condition. Thus, the proposed detailing form a coherent expression that allows added structural value to the house which serves to better preserve the resource. See findings for additional information.

ZONING CODE APPROVAL CRITERIA

1. **Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
2. **Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
3. **Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
4. **Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.
5. **Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.
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 1, 2, 3, 4, 5, and 9: The proposal includes extending an existing 7'-5" wide bay on the north elevation down to the ground and increasing the depth of the bay from 2' deep to 2'-11" deep to accommodate an internal stair serving habitable space in the basement and attic. The two (2) seemingly original sixteen-over-one all-wood windows located within the bay are proposed to be retained and reinstalled within the wall of the bay with detailing to match the existing/original conditions. In order to retain the character of the existing/ original sixteen-over-one windows, the top of the bay is proposed to be 6" taller than the existing condition to raise the original lites above the threshold where tempered glass is required. The shallow roof and eave-detailing of the bay has been previously altered and the proposal includes slightly deepening the eave of the bay to create proportions that to better relate to the existing/ original detailing on the front porch.

The proposal also includes the removal, replacement, and relocation of windows on the north elevation as described below:

- Removal of one (1) original double-hung window on the upper story at the rear (east end) of the north elevation to be patched with siding to match the original/ adjacent conditions;
- Replacement/ reconstruction of two (2) original all-wood double-hung windows on the main level on the rear portion of the north elevation to be replaced with the repurposed all-wood double-hung windows with slightly higher sills to accommodate a kitchen counter. The majority of the existing/ original trim, frame, and sash will be reused and reinstalled for these two windows. The windows are proposed to be removed, sashes shortened, upper sash reconstructed or salvaged, and reinstalled to match the existing/ original condition.
- Replacement of two (2) non-original casement windows to be replaced with one (1) relocated/ repurposed original all-wood double-hung window to be constructed with salvaged trim, frame, and sashes; and
- Relocation of one (1) original all-wood double-hung window on the upper level of the north elevation to align with window below.

While the proposal results in alterations to the bay and a loss of some historic material, the proposed reuse of historic window frames, sashes, and trim, ensure that the historic character of the property will be retained and preserved, and the essential form and integrity of the resource will be unimpaired.

These criteria are met.

- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.
- 10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 7, 8, and 10: While the repurposed all-wood windows, and the extended portion of the bay will match the existing/original conditions in terms of material, profile, and detailing, of the bay will be differentiated from the original condition through the use of contemporary construction methods.

While the proposal results in alterations to the bay and the loss of some historic material, the reuse of historic windows, proposed materials to match the existing/original conditions, and detailing that relates the water table and barge board of the bay to the existing/original foundation. Thus, the proposal does not compromise the architectural integrity of the resource and that the alterations are compatible with the resource, adjacent resources, and the District as a whole.

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 proposed alterations to extend a bay to accommodate stairs that serve newly created habitable space in the basement and attic, and the reuse, relocation, and replacement of windows on the north elevation are compatible with existing/original conditions through the use compatible materials, detailing, and proportions. As such, the proposal does not compromise the architectural integrity of the resource and ensures that the resource will remain a record of its time, place, and use. As such, the proposed alterations are compatible with the subject resource, adjacent resources, and the District as a whole.

The purpose of the historic resource review process is to ensure that exterior alterations to existing buildings protect the integrity of the special characteristics of the historic resources. The proposal employs durable, architecturally compatible materials, respects the original character of the resource, and allows it to remain a coherent composition. The proposal meets the applicable approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

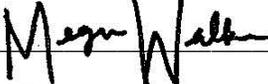
Approval of exterior alterations to a contributing resource in the Irvington Historic District to include the following:

- Extending an existing 7'-5" wide bay on the north elevation down to the ground and increasing the depth of the bay from 2' deep to 2'-11" deep to accommodate an internal stair serving habitable space in the basement and attic;
- Removal of one (1) original double-hung window on the upper story at the rear (east end) of the north elevation to be patched with siding to match the original/ adjacent conditions;
- Replacement of two (2) original all-wood double-hung windows on the main level on the rear portion of the north elevation to be replaced with repurposed all-wood double-hung windows;
- Replacement of two (2) non-original casement windows to be replaced with one (1) relocated/ repurposed original all-wood double-hung window; and
- Relocation of one (1) original all-wood double-hung window on the upper level of the north elevation to align with window below.

Approved per Exhibits C-1 through C-7, signed and dated July 29, 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 19-139532 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Megan Sita Walker

Decision rendered by:  **on July 29, 2019**

By authority of the Director of the Bureau of Development Services

Decision mailed: August 1, 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 March 28, 2019, and was determined to be complete on April 11, 2019. The case was originally submitted as a Type I and the original Notice of Proposal was mailed on April 22, 2019. It became clear that the scope of work exceeds the threshold for a Type I Historic Resource Review, and should be processed as a Type II Historic Resource Review. The renote for the Type II Notice of Proposal was mailed on June 21, 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 March 28, 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 (See Exhibit A-11). Unless further extended by the applicant, **the 120 days will expire on: April 10, 2020.**

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 August 15, 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 **August 16, 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
 2. Original Drawing Set – Not Approved/ For Reference Only
 3. Original Site Photo
 4. Original Photos of Comparable Stair Pop-Outs
 5. Sketch Drawing, Rec'd 04/5/2019 – Not Approved/ For Reference Only
 6. Updated Project Description, Rec'd 06/12/2019
 7. Updated Site Photo with Call-Outs, Rec'd 06/12/2019
 8. Updated Drawing Set, Rec'd 06/12/2019 – For Reference Only
 9. Updated Photos of Comparable Stair Pop-Outs, Rec'd 06/12/2019
 10. Window Measurement Worksheet, Rec'd 07/25/2019
 11. Extension to the 120-Day Review Period
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Existing East Elevation
 3. Existing North Elevation
 4. Proposed East Elevation (attached)
 5. Proposed North Elevation (attached)
 6. Building Section
 7. Existing and Proposed Window Measurement sheet
- D. Notification information:
 1. Original Mailing list
 2. Original Mailed notice
 3. Re-noticed Type II Mailing list
 4. Re-noticed Type II Mailed notice

E. Re-Notice Agency Responses:

1. Life Safety Division of BDS
2. Fire Bureau

F. Correspondence:

1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on May 4, 2019, wrote with concerns with the proposal.

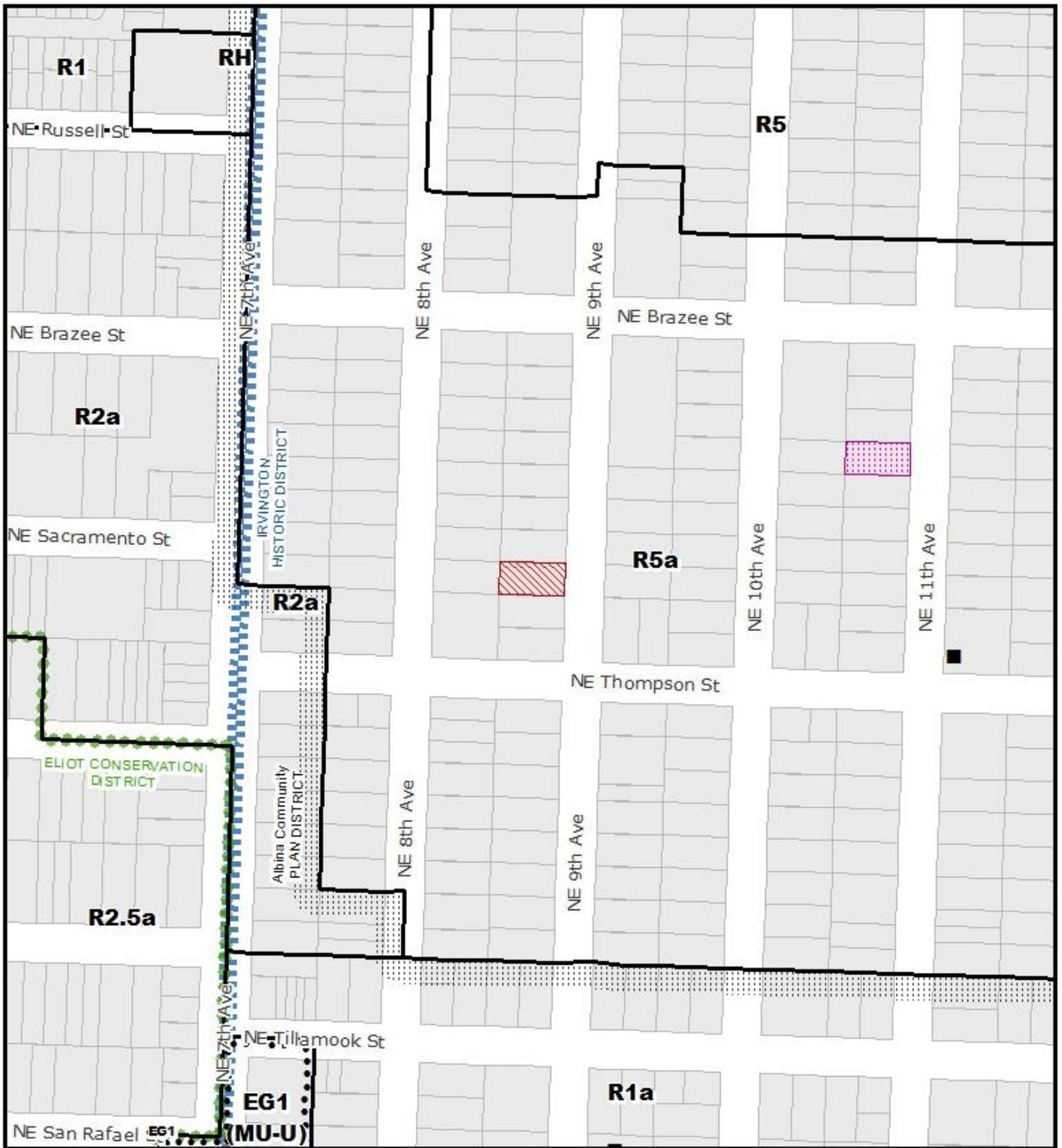
Re-notice Correspondence:

2. Don Baldwin, neighbor, on June 27, 2019 wrote in in support of the proposed alterations.
3. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on July 12, 2019, wrote in to re-submit previous comments for the revised proposal.

G. Other:

1. Updated & Original LU Applications
2. Email correspondence between Staff and 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
-  Also Owned Parcels
-  Historic Landmark

File No.	LU 19-139532 HR
1/4 Section	2831
Scale	1 inch = 200 feet
State ID	1N1E26CB 12500
Exhibit	B Apr 01, 2019

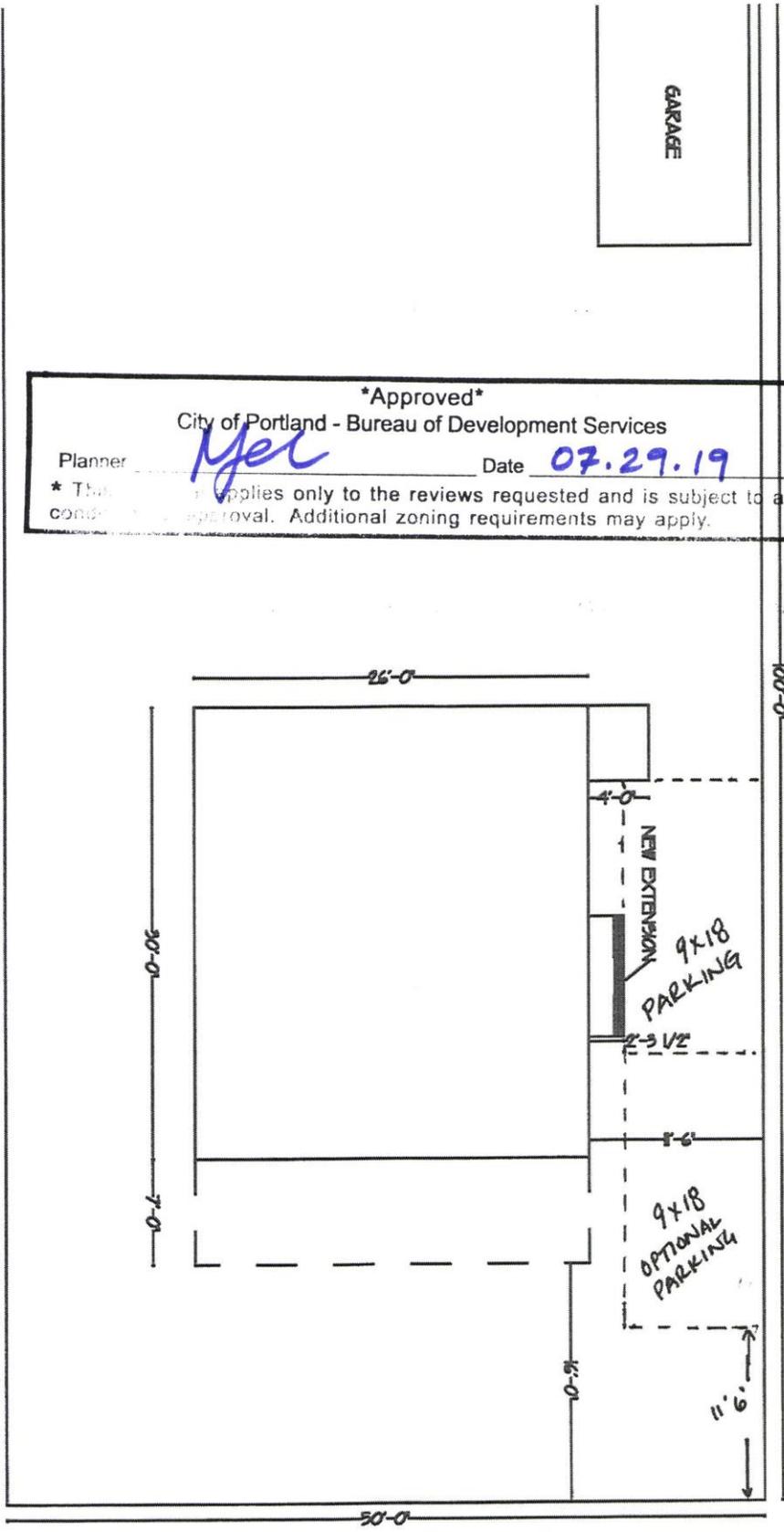
GARAGE

Approved
 City of Portland - Bureau of Development Services

Planner *Mjel* Date *07.29.19*

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

2927 NE 9 TH AVE PORTLAND F-10-0



9TH AVE

EX14C-1
 LU 19-139532 HR

Approved
City of Portland - Bureau of Development Services

Planner: *Nyer* Date: 07.29.19

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



2327 NE. 9 th. Ave. Portland

PROPOSED

EAST ELEV.

EXH C-4
LU 19-139532 HR

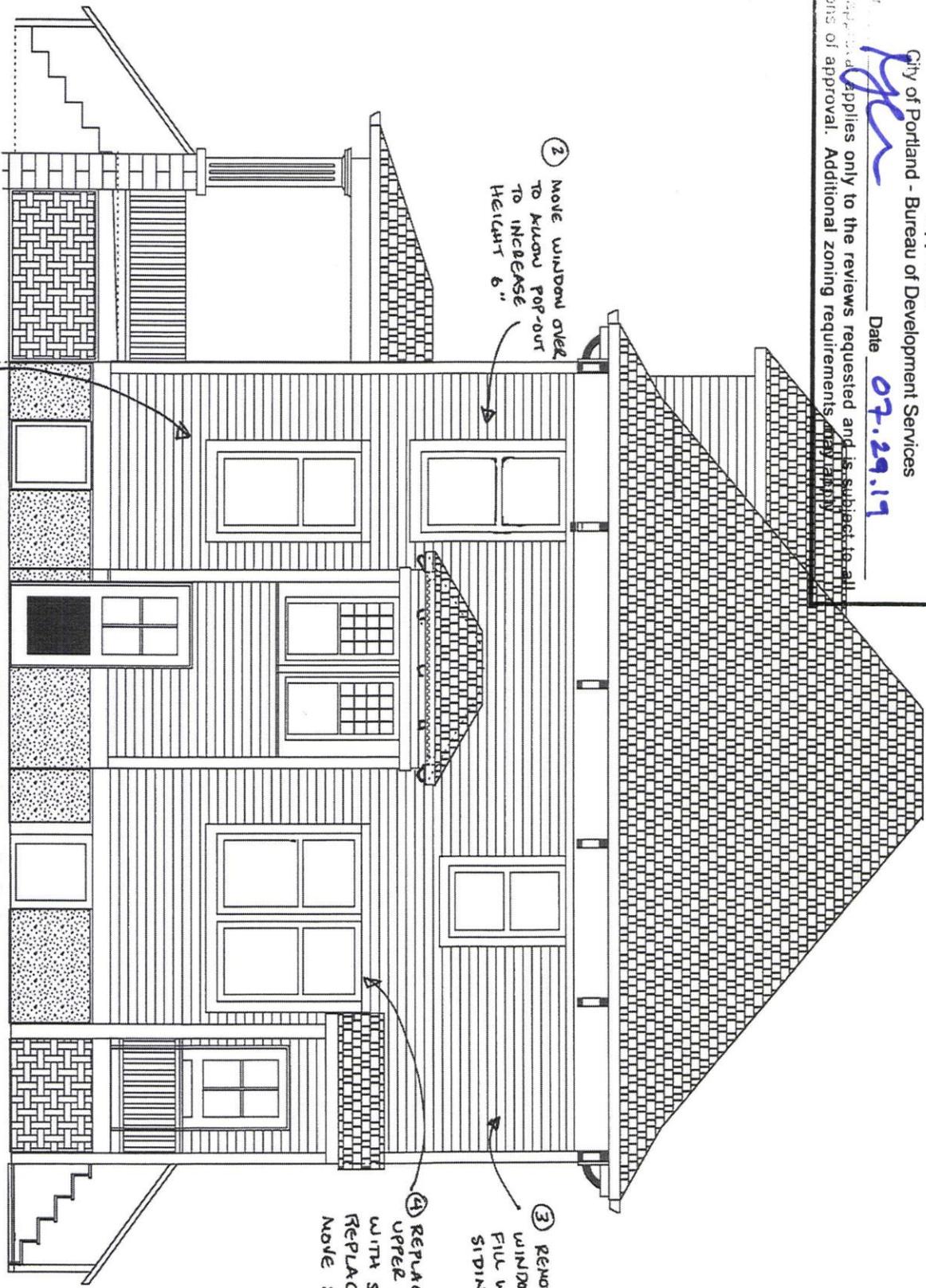
Approved

City of Portland - Bureau of Development Services

Planner

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements apply.

Date 07.29.17



NORTH ELEVATION

2327 NE 9th Ave, Portland

PROPOSED

- ⑤ REPLACE NEW-ORIGINAL WINDOW WITH SAVED ORIGINAL PARTS.
- ④ EXTENDED STRIP POP-OUT. MORE COHESIVE ROOF. REUSE ORIGINAL DOOR & WINDOWS.

② MOVE WINDOW OVER TO NEW POP-OUT TO INCREASE HEIGHT 6"

③ REMOVE WINDOW. FILL WITH SIDING.

④ REPLACE UPPER SASHES WITH SHORTER REPLACEMENTS. MOVE SILL UP.

EXHC-5
LU 19-139532 HR