



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

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Date: 8/2/2019
To: Interested Person
From: Tanya Paglia, Land Use Services
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NOTICE OF A TYPE I 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 19-163339 HR – NEW GARAGE AND EXTERIOR ALTERATIONS TO PRIMARY HOUSE

GENERAL INFORMATION

Applicant/Owner: Andrea and Charles Gill,
3439 NE Sandy Blvd Pmb 275
Portland, OR 97232
andrea_hicks@comcast.net

Site Address: 2136 NE 9TH AVE

Legal Description: WEST IRVINGTON, BLOCK 105, LOT 14
Tax Account No.: R893601870
State ID No.: 1N1E26CA 18300
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: R5 – Residential 5,000 with Historic Resource Protection Overlay
Case Type: HR – Historic Resource Review
Procedure: Type I, an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:
The applicant is seeking Historic Resource Review approval for a proposal to build a new garage and to make several other exterior alterations on a contributing resource in the Irvington Historic District. The new garage features a hip roof, wood siding, window, trim

and doors to match existing house including a wood carriage style garage door, a single wood French door, and a double hung wood window. In addition to the new garage, the project will also include the following items:

- Remove kitchen chimney
- Remove one upper rear window at balcony (east elevation)
- Remove dining room windows and replace them with French doors at rear of house (east elevation)
- Add a balcony rail at rear of house (east elevation)

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

Relevant Approval Criteria:

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

- 33.846.060.G *Other approval criteria*

ANALYSIS

Site and Vicinity: The subject is a single-family, two and a half-story house in the Foursquare style that is a contributing resource in the Irvington Historic District. It was built in 1907 and features horizontal board cladding. The house sits back from the street on a 5,000 SF lot facing west onto NE 9th Ave.

Irvington Historic 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. 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 Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

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.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **June 19, 2019**. No agency review was provided given the scope of work.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **June 19, 2019**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Mark Bello, Neighbor, 7/2/2019, wrote with comments largely in support of the project but noting concerns about the new balcony railing along the portion of the structure that is located within the home's north set-back. He noted that an extension to the house added sometime in the past put a segment of the house within a foot of the north property line, adjacent to his house, and wanted to make sure that the porch railing to be added to this extended portion stays at least the requisite 5 setback from the property line.
2. Mark Bello, Neighbor, 7/24/2019, expressed support for the project via telephone call based on a mock-up showing the balcony railing placement outside of the northern property line setback.

ZONING CODE APPROVAL CRITERIA

Chapter 33.846.060 - Historic Resource Review

Purpose of Historic Resource Review

Historic Resource Review ensures the conservation and enhancement of the special characteristics of historic resources.

Historic Resource Review Approval Criteria

Requests for Historic Resource Review will be approved if the review body finds the applicant has shown that all of the approval criteria have been met.

Findings: The site is within the Irvington Historic District and the proposal is for non-exempt treatment. Therefore Historic Resource Review approval is required. The approval criteria are those listed in *33.846.060 G – Other Approval Criteria*.

Staff has considered all guidelines and addressed only those applicable to this proposal.

33.846.060 G - Other Approval Criteria

- 1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.
- 2. Record of its time.** The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided.
- 3. Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.
- 4. Historic features.** Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

9. Preserve the form and integrity of historic resources. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 1, 2, 3, 4, 5, 7, 8, 9 and 10: The proposed alterations will not greatly detract from the historic character of this contributing resource in the Irvington Historic District. The project will allow the character defining features of this foursquare style house to be retained and preserved while allowing the property to modernize to meet the needs of the current occupants. Exterior alterations to the existing structure will include the removal of a kitchen chimney, an upper rear window and a bay of dining room windows as well as the addition of French doors and a balcony rail at the rear of the house. The new French doors and balcony rail at the rear of the house will be of wood construction using high quality materials that will make congruent additions to the 1907 structure. In the places where the project requires infilling of siding, the new siding will be matched with the home's original rounded edge, double teardrop wood siding in reveal, plank depth and material to achieve a seamless appearance.

The scale, placement, design and material palette of the new garage are well integrated with the original house as well as the neighborhood. Sanborn maps confirm that the original house did not have a garage at the time of construction and up until 1950. Evidence appears that there was not a garage on the property beyond 1950 as well. Thus, there is no historical precedent for scale, placement and design of the new garage to be derived from the property's history. However, other garages in the area were built during and after the district's period of significance so there is precedent for having a detached garage. This garage, located at the back of the lot, as far back from the street as possible, is compatible with the neighborhood. By matching the home's original wood cladding and roof form, and by using wood windows and wood doors, the proposal is using high quality materials that are well integrated with the site's primary house as well as the rest of the district.

The visual impact of the proposed alterations on the pedestrian realm will be minimal as the changes to the primary house are predominantly confined to its rear elevation. In addition, the new garage will be located as far to the rear of the site as possible and will be partially obscured by the primary house which will block views of the northern segment of the garage's front façade.

The historic significance and integrity of the resource will be maintained with the proposed alterations, and the house will remain a physical record of its time, place and use. The project will not alter any changes made over time that have acquired historic significance. Conjectural features or architectural elements from other buildings that create a false sense of historical development will not be added. If the new French doors and balcony railing were to be removed in the future, the form and integrity of the primary house would remain intact.

The proposed alterations respect the original character and design of the subject resource. The rounded edge cedar double teardrop siding proposed as infill and on the new garage is consistent with the home's original wood siding and the project will not adversely impact the character defining features of the property. In matching the house's historical conditions, the proposed design will be compatible with the original resource's features. In the same way, the exterior alterations will be compatible with the adjacent properties and the rest of the district. Overall the proposed work will not visually detract from the historic aesthetic of the house, adjacent properties and district.

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 will employ high quality materials and are designed to be well integrated with the building as well as the neighborhood. The project will not detract from the house's role as a contributing resource in the Irvington Historic District with alterations designed to be compatible with the historical aesthetic of the building. 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 proposal to build a new garage, remove kitchen chimney, remove one upper rear window at balcony (east elevation), remove dining room windows and replace them with French doors at rear of house (east elevation), and add a balcony rail at rear of house (east elevation) on a contributing resource in the Irvington Historic District, per the approved site plans, Exhibits C-1 through C-10, signed and dated 7/30/2019, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four required site plans or included as a sheet in the numbered set of plans. The sheet on which this information appears must be labeled "ZONING COMPLIANCE PAGE- Case File LU 19-163339 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: Tanya Paglia



Decision rendered by: _____ on 7/30/2019.

By authority of the Director of the Bureau of Development Services

Decision mailed: 8/1/2019

Procedural Information. The application for this land use review was submitted on May 10, 2019, and was determined to be complete on June 13, 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 May 10, 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 further extended by the applicant, **the 120 days will expire on: 10/11/2019.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term “applicant” includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed,* the final decision will be recorded after **8/2/2019** 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:

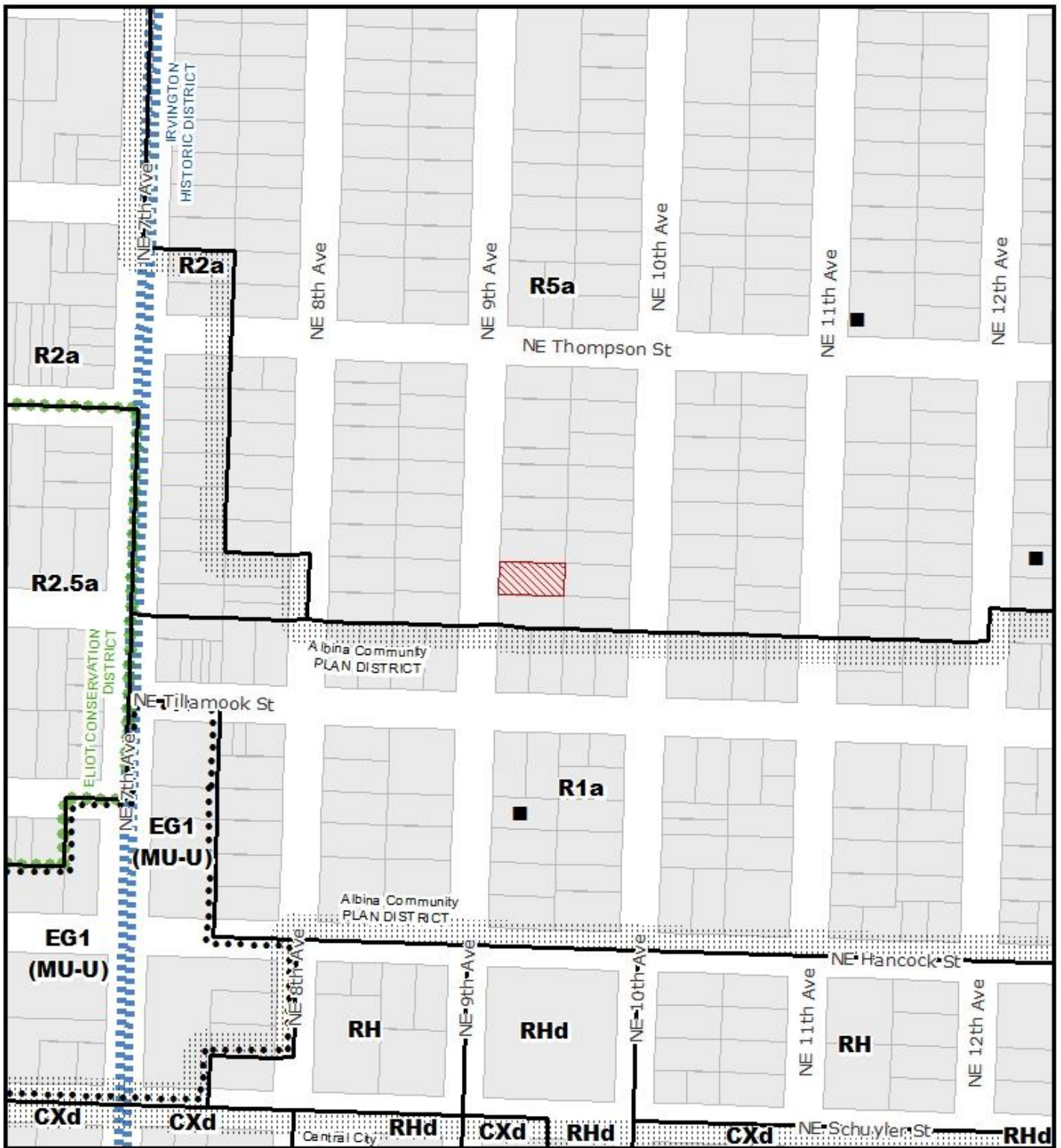
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's Project Description
 - 2. Applicant's Photos of Existing Conditions
 - 3. Original plan set – NOT APPROVED/reference only
 - 4. Siding exposure photo
 - 5. Product Cutsheets
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. House East (rear) Elevation – Existing and Proposed (attached)
 - 3. House North Elevation – Existing and Proposed
 - 4. House South Elevation – Existing and Proposed
 - 5. House West and North Elevations – Existing
 - 6. House East and South Elevations – Existing
 - 7. Garage West, South, North, East Elevations & Garage Rendering – Proposed
 - 8. Garage Elevations, Sections, Plan – Proposed (attached)
 - 9. Balcony Handrail Detail
 - 10. Siding Profile – Existing and Proposed
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None Received
- F. Correspondence:
 - 1. Mark Bello, Neighbor, wrote on July 2, 2019 in support of the project but noting concerns about the new balcony railing along the portion of the structure that is located within the home's north set-back.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter
 - 3. Oregon Historic Site Record
 - 4. Sanborn Maps

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

-  Site
-  Historic Landmark

File No.	LU 19-163339 HR
1/4 Section	2831
Scale	1 inch = 200 feet
State ID	1N1E26CA 18300
Exhibit	B May 13, 2019

