



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

Ted Wheeler, Mayor
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Date: March 26, 2020
To: Interested Person
From: Hannah Bryant, 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 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 20-117175 HR – REPLACE BACK STEPS

GENERAL INFORMATION

Owners/Applicant: Debra Kirsch + Jeffrey Kirsch
3004 NE 20th Ave
Portland, OR 97212-3442
(503) 703-7548

Site Address: 3004 NE 20TH AVE

Legal Description: BLOCK 26 LOT 16, IRVINGTON
Tax Account No.: R420405680
State ID No.: 1N1E26AD 05100
Quarter Section: 2732
Neighborhood: Irvington, contact Dean Gisvold at deang@mcewengisvold.com
Business District: Soul District Business Association, contact at info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact Jessica Rojas at jessica@necoalition.org

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 seeks Historic Resource Review for changes to existing rear steps and a small roof structure over the landing outside the rear door. While the primary scope of the project includes a new stained cedar landing and stained cedar steps below two existing landings, new painted cedar railings, and a wrought iron handrail, these elements are exempt from review because they are not more than 30" above adjacent grade and therefore do not

require a building permit. The elements of the proposal that are subject to historic resource review include:

- Replacing the existing corrugated fiberglass roofing and plastic gutter above the rear door with a new asphalt self-adhering sheet surface with 1x4 tongue and groove painted cedar soffit.
- Replacing existing handrails on upper landings with new code-compliant painted cedar rails, to match proposed railings on lower steps.
- Replacing existing wood decking on upper landing with stained cedar decking to match lower steps.

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

Relevant Approval Criteria:

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

- *33.846.060.G – Other Approval Criteria*

ANALYSIS

Site and Vicinity: The subject property is a contributing resource in the Irvington Historic District. Constructed in 1910, the two-story bungalow is located on a 5,000-square foot lot. All properties on the block bounded by NE Siskiyou, NE 21st Avenue, NE Stanton and NE 20th Avenue are contributing resources. The property is located midblock, fronting NE 20th Avenue. This street is a local service street for all modes of transit.

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.

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.

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 **February 28, 2020**. The scope of the proposal did not prompt review by other bureaus.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 28, 2020**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- *Gisvold, Dean. March 12, 2020. The Irvington Community Association supports the proposal.*

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: This proposal is for minor modifications to existing, non-original, wood back entry steps and cover over the rear door. While the project includes revisions to stair configuration, new railings, access hatches beneath the landings and a new roof covering above the rear door, only a few elements require a building permit, and therefore are subject to Historic Resource Review. Elements that do not require a building permit, and are not altering historic, character-defining elements, are exempt from Historic Resource Review.

All of the work proposed will alter or replace existing, non-original work that was completed prior to the formation of the Historic District. The existing roof covering above the rear door is corrugated fiberglass. The proposal will utilize the existing structure, maintaining the size and shape of the existing cover, but will replace the fiberglass with an asphalt roofing surface, and finish it with a tongue and groove wood soffit. This will enhance the compatibility of this element with the roof on the house, and with the roof elements of nearby contributing resources.

The new handrails are proposed to be painted wood. The decking is proposed to be stained cedar. These are typical materials and finishes for historic homes of this era. The proposed changes to existing, non-historic material on the rear façade of the home will not alter its historic character or create a false sense of historic development. These features are easily replaceable in the future without compromising the integrity or original historic materials of the contributing resource. They are compatible with the historic resource and the surrounding historic district.

Therefore, these criteria are met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all requirements of Title 11 can be met, and that all development standards of Title 33 can be met or have received an Adjustment or Modification via a land use review, prior to the approval of a building or zoning permit.

CONCLUSIONS

The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

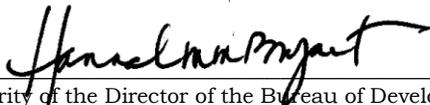
ADMINISTRATIVE DECISION

Approval of new wood decking and painted wood railings on rear steps, and a new roof covering over the rear door, per the approved site plans, Exhibits C-1 through C-8, signed and dated March 23, 2020, 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 20-117175 HRB." 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: Hannah Bryant

Decision rendered by:  **on March 23, 2020**
By authority of the Director of the Bureau of Development Services

Decision mailed March 26, 2020

Procedural Information. The application for this land use review was submitted on February 11, 2020, and was determined to be complete on February 25, 2020.

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 February 11, 2020.

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: June 24, 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.

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.

If you are interested in viewing information in the file, please contact the planner listed on the front of this decision. The planner can provide some information over the phone. Please note that due to COVID-19 and accessibility to files, only digital copies of material in the file are available for viewing. 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 **March 26, 2020** 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:

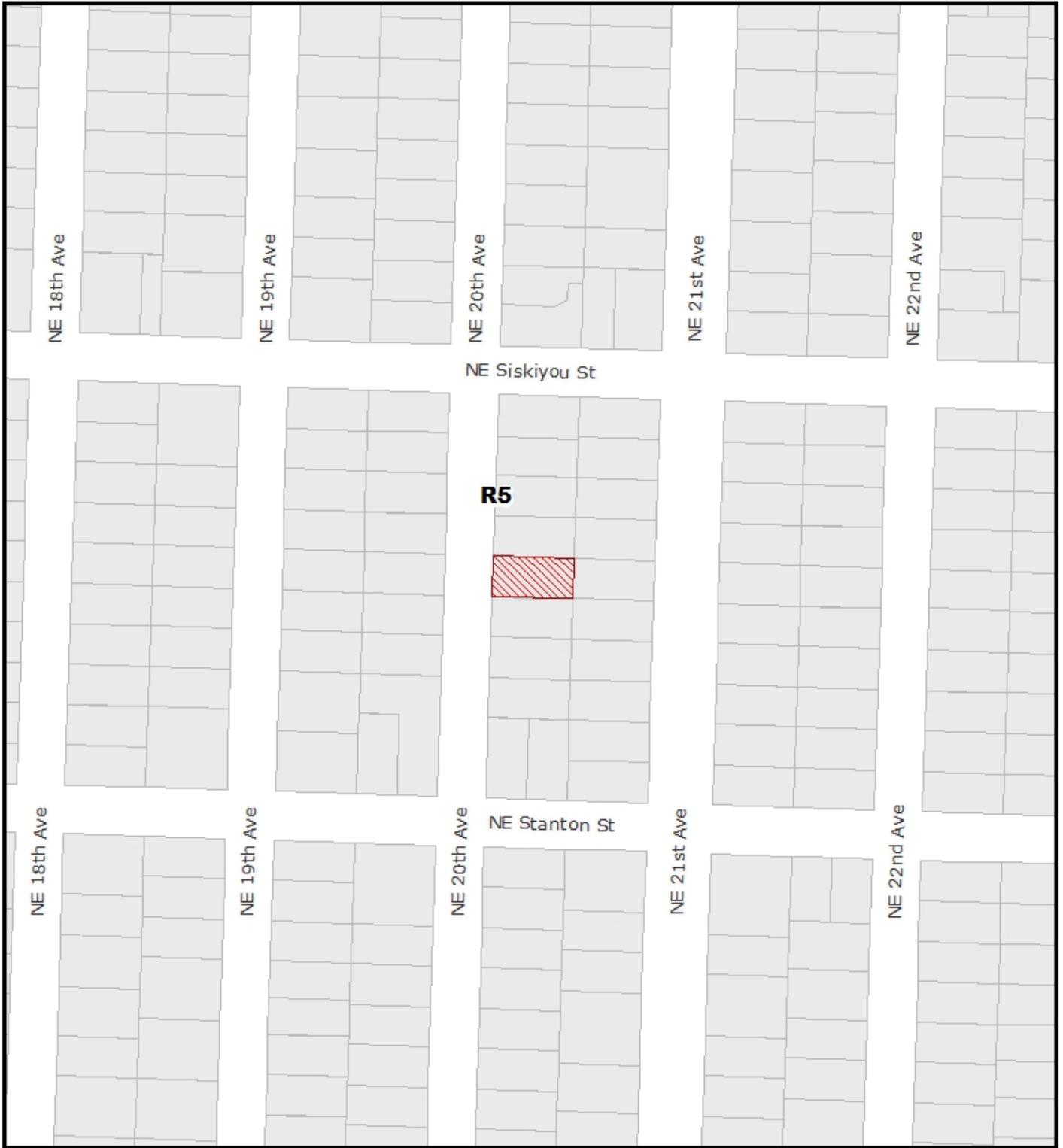
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Narrative
 - 2. Site Photos
 - 3. Precedent Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Proposed Site Plan (attached)
 - 2. Existing Site Plan
 - 3. Proposed Perspective
 - 4. Porch Railing & Roof Details
 - 5. Rear Elevation
 - 6. Porch Post Cutsheet
 - 7. Roofing Cutsheet
 - 8. Lighting Cutsheet
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence:
 - 1. Dean Gisvold, March 12, 2020, The Irvington Community Association supports the proposal.
- G. Other:
 - 1. Original LU Application

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



ZONING 
 NORTH
 IRVINGTON HISTORIC DISTRICT

 Site

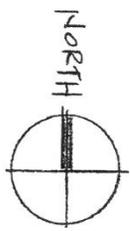
File No. LU 20 - 117175 HR
 1/4 Section 2732
 Scale 1 inch = 163 feet
 State ID 1N1E26AD 5100
 Exhibit B Feb 13, 2020

(E) WOOD FENCE

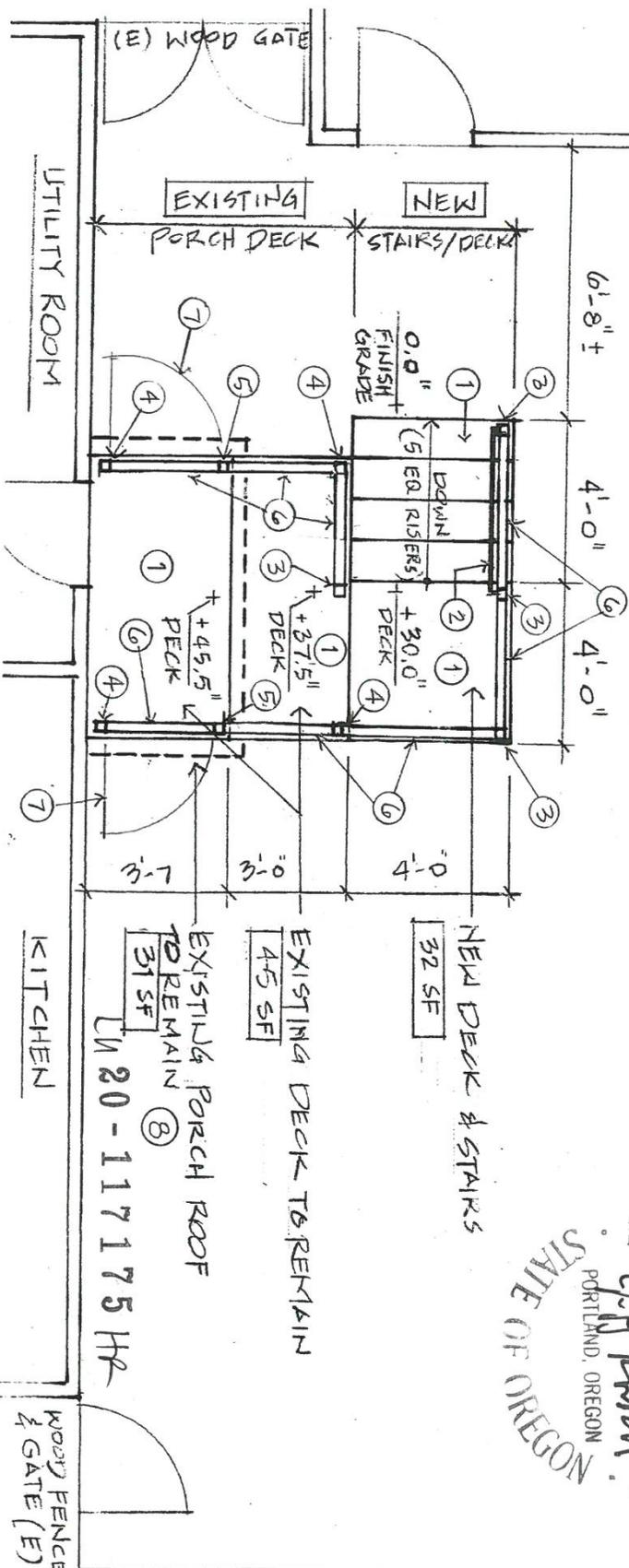
KEYED NOTES

- ① 2x6 STAINED CEDAR DECKING
- ② WROUGHT IRON HANDRAIL, BRACKET MOUNTED
- ③ NEW 4x4 POST AND CEDAR POST CAP; PAINT
- ④ EXISTING 4x4 POST; REPLACE EXISTING METAL POST CAP WITH CEDAR CAP; PAINT
- ⑤ EXISTING 4x4 ROOF POST; PAINT
- ⑥ NEW PAINTED WOOD RAILING (SEE ELEVATION & DETAIL DRAWINGS)
- ⑦ HINGED ACCESS OPENING IN CEDAR LATTICE SCREEN BELOW
- ⑧ REMOVE EXISTING CORRUGATED FIBERGLASS ROOFING AND PLASTIC GUTTER (DETERIORATING CONDITION); SEE ELEVATION & DETAIL DRAWINGS FOR NEW ROOFING & GUTTER

NOT FOR PERMITS OR CONSTRUCTION



Planner: *[Signature]*
 City of Portland - Bureau of Development Services
 Approved: *[Signature]*
 Date: 8-23-20
 GENERAL NOTE: ROOF STRUCTURE WILL BE REPAIRED, IF NECESSARY DUE TO DAMAGE OR DETERIORATION DISCOVERED DURING CONSTRUCTION



NEW DECK & STAIRS
 32 SF

EXISTING DECK TO REMAIN
 45 SF

EXISTING PORCH ROOF TO REMAIN
 31 SF

LN 20 - 117175 HR

PROPOSED PORCH & STAIR PLAN
 1/4" = 1'-0"
 JANUARY 23, 2020

KIRSCH RESIDENCE
 3004 NE 20TH AVE