



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

Ted Wheeler, Mayor  
Rebecca Esau, Director  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** May 19, 2020  
**To:** Interested Person  
**From:** Megan Sita Walker, Land Use Services  
503-823-7294 / [MeganSita.Walker@portlandoregon.gov](mailto:MeganSita.Walker@portlandoregon.gov)

## **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 20-128928 HR – ALTERATIONS**

#### **GENERAL INFORMATION**

**Applicant:** Omar Martinez Barrera | Casa Bonita LLC  
1631 NE Broadway #721  
Portland, OR 97232  
(503) 956-4866

**Owner(s):** Deborah Naugler & Willscott Naugler  
2009 NE 16th Ave  
Portland, OR 97212

**Site Address:** 2009 NE 16TH AVE

**Legal Description:** BLOCK 128 LOT 3, IRVINGTON  
**Tax Account No.:** R420425960  
**State ID No.:** 1N1E26DC 08300  
**Quarter Section:** 2832

**Neighborhood:** Irvington, contact Dean Gisvold at [deang@mcewengisvold.com](mailto:deang@mcewengisvold.com).  
**Business District:** Soul District Business Association, contact at [info@nnebaportland.org](mailto:info@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Jessica Rojas at [jessica@necoalition.org](mailto:jessica@necoalition.org).

**Plan District:** Albina Community  
**Other Designations:** Contributing resource in the Irvington Historic District

**Zoning:** RM2 – Residential Multi-Dwelling 2 with the 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 alterations to a contributing resource in the Irvington Historic District. The proposed alterations include the following alterations to side and rear elevations:

- Removal of one (1) small window and the installation of four (4) all-wood windows, a pair of wooden French doors with a new wood overdoor awning, and a new rear deck with wooden railings on the rear (West) Elevation.
- Removal of three (3) paired windows and the installation of three (3) all-wood windows on the side (South) Elevation.

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

**Relevant Approval Criteria:**

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

- 33.846.060.G *Other approval criteria*

**ANALYSIS**

**Site and Vicinity:** The subject property is located on an approximately 5,000 square foot lot fronting onto NE 16<sup>th</sup> Avenue in the Irvington Historic District. The 2-story resource, built in 1904 in the Craftsman Foursquare style, is listed as a contributing resource in the Irvington Historic District.

**Zoning:** The Residential Multi-Dwelling 2 (RM2) zone. The RM2 zone is a medium-scale multi-dwelling zone that is generally applied in and around a variety of centers and corridors that are well-served by transit. Allowed housing is characterized by buildings of up to three or four stories with a higher percentage of building coverage than in the RM1 zone, while still providing opportunities for landscaping and outdoor spaces that integrate with residential neighborhood characteristics. The major types of new housing development will be a diverse range of multi-dwelling structures and other compact housing that contribute to the intended urban scale of centers and corridors, while providing transitions in scale and characteristics to lower-scale residential neighborhoods.

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

Irvington Historic District. Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

**Land Use History:** City records indicate no prior land use reviews for the subject site.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **April 8, 2020**. No responses were received given the relatively small scope of the proposal.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **April 8, 2020**. One written response has been received 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 April 21, 2020, wrote in noting inconsistencies in the description and drawings and the lack of information on the materiality of the proposed door and deck. See Exhibit F-1 for additional information.

*Staff Response:* After the Notice of Proposal was mailed, staff worked with the Applicant to resolve concerns with clad-wood replacement windows for the contributing resource. Staff also confirmed in updated drawings that the proposed French door are all-wood doors and that the proposed deck is ipe decking with cedar rails. See findings below for additional information.

## 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.
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, 7, 8, 9 and 10:** The proposal includes alterations to side and rear elevations and is limited to the removal of one (1) small window and the installation of three (3) all-wood windows, a pair of wooden French doors, and a new rear deck with wooden railings on the rear (West) Elevation; and the removal of three (3) paired windows and the installation of three (3) all-wood windows on the side (South) Elevation.

While the proposal includes the replacement of a pair three (3) potentially original windows, the impact on historic material is limited and at the rear of the side (south) elevation, and the proposed windows and door match the original windows remaining on the resource in terms of proportion, detailing, and materiality. As such, the proposed alterations will not result in a loss of historic character of the resource or impact the record of its time, place or use, and continues to preserve the integrity of the resource. Additionally, the proposed all-wood windows and pair of wooden French doors will be set into the wall plane with enough punch to have a similar distance as original windows and doors on the resource to ensure adequate depth of detailing. While the detailing of the proposed windows and doors are designed to relate to the historic detailing of the resource, the proposed alterations will be differentiated from the resource through the use of contemporary materials and construction methods.

To ensure that the proposed all-wood French doors will also have simulated divided lites that are architecturally compatible with the subject resource with the District as a whole, staff has added Condition of Approval 'C', to ensure that the French doors shall have simulated divided lites with interior and exterior muntins with spacer bars in between the panes of glass. With this added Condition of Approval, the proposed French doors, as well as the proposed ipe deck with cedar rails to successfully relate to the detailing of the resource and the District as a whole. As such, the proposal is architecturally compatibility with the resource, and the District.

*With Condition of Approval 'C', that the pair of proposed all-wood French doors shall have simulated divided lites with interior and exterior muntins with spacer bars in between the panes of glass, these criteria are met.*

**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:** No chemical treatments are proposed. *This criterion is not applicable.*

**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:** No ground surfaces will be disturbed. *This criterion is not applicable.*

## **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 alterations proposed are compatible with the resource in terms of material, style, detailing. As such the proposal is compatible the subject resource, 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 their ability to convey historic significance. The proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

## ADMINISTRATIVE DECISION

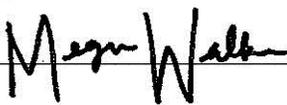
Approval of exterior alterations to a contributing resource in the Irvington Historic District, to include the following:

- Removal of one (1) small window and the installation of three (3) all-wood windows, a pair of wooden French doors with a new wood overdoor awning, and a new rear deck with wooden railings on the rear (West) Elevation.
- Removal of three (3) paired windows and the installation of three (3) all-wood windows on the side (South) Elevation.

Approved per attached Exhibits C-1 through C-20, signed and dated May 15, 2020, subject to the following conditions:

- As part of the building permit application submittal, the following development-related conditions (B through D) 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 20-128928 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- 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.
- The pair of proposed all-wood French doors shall have simulated divided lites with interior and exterior muntins with spacer bars in between the panes of glass.
- No field changes allowed.

**Staff Planner: Megan Sita Walker**

**Decision rendered by:**  on May 15, 2020

By authority of the Director of the Bureau of Development Services

**Decision mailed May 19, 2020**

**Procedural Information.** The application for this land use review was submitted on March 11, 2020, and was determined to be complete on April 6, 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 March 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 extended by the applicant, **the 120 days will expire on: August 4, 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 limited 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 <https://www.portlandoregon.gov/citycode/28197>.

**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 on or after **May 20, 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:

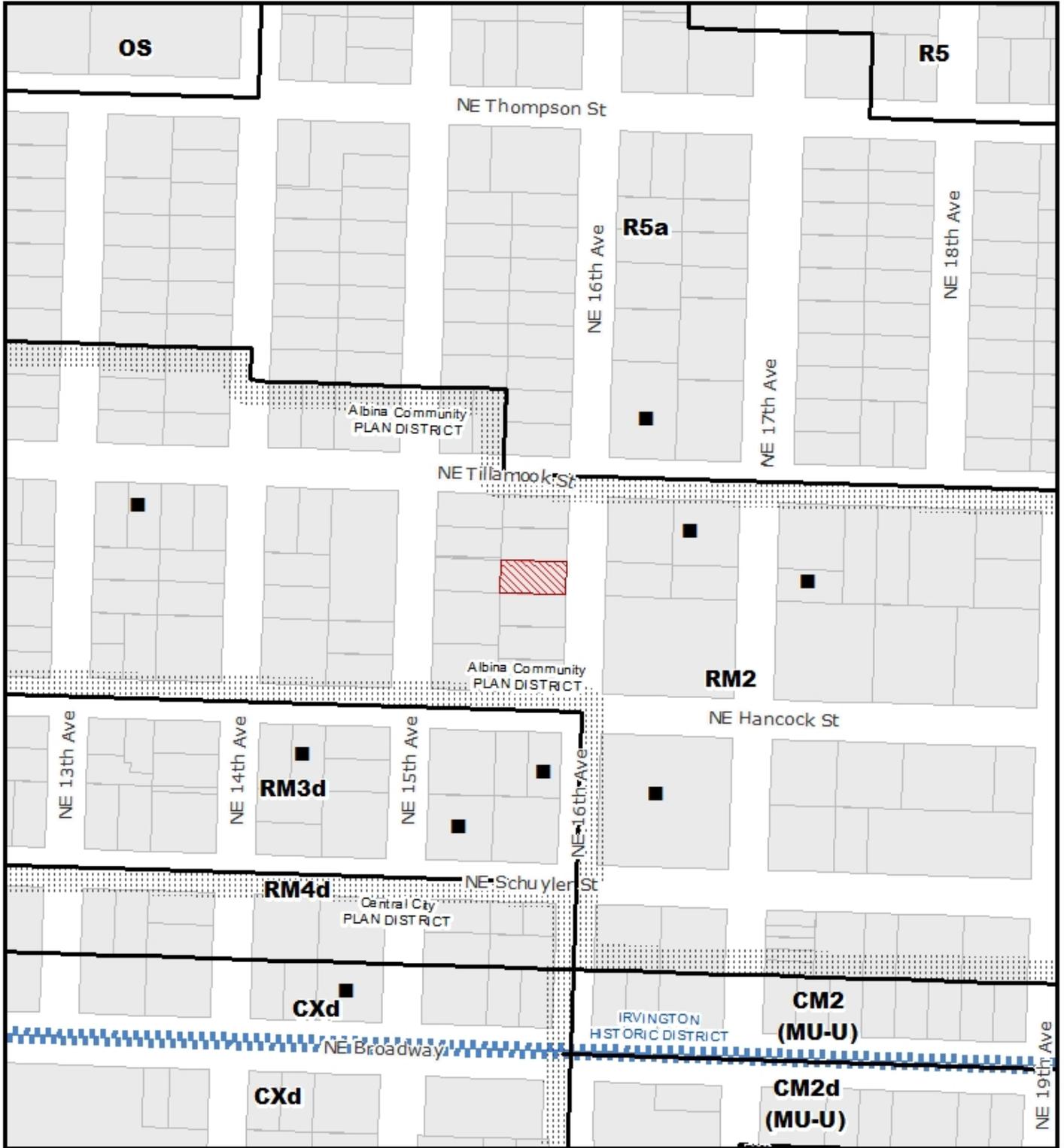
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
1. Original Project Description & Response to Approval Criteria
  2. Original Drawings
  4. Updated Drawings, Rec'd April 9, 2020
  5. Specifications, Rec'd April 9, 2020
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Site Plan (attached)
  2. Existing West Elevation
  3. Proposed West Elevation (attached)
  4. Existing North Elevation
  5. Proposed North Elevation (attached)
  6. Existing South Elevation
  7. Proposed South Elevation (attached)
  8. Existing East Elevation
  9. Proposed Elevation (attached)
  10. Existing & Proposed First Floor Plan
  11. Existing & Proposed Second Floor Plan
  12. Existing & Proposed Basement Plan
  13. Sections
  14. Existing & Proposed Window and Door Sections
  15. Details – Railings
  16. Details – Porch Bracket and Deck
  17. Specifications – Windows
  18. Specifications – Doors
  19. Specifications – Light Fixture
  20. Specifications – Light Fixture
- D. Notification information:
1. Mailing list
  2. Mailed notice
- E. Agency Responses: none
- F. Correspondence:
1. Dean Gisvold, Chair of the ICA, on April 21, 2020
- G. Other:
1. Original LU Application
  2. Email Correspondence between staff and the 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

ALBINA COMMUNITY PLAN DISTRICT  
 IRVINGTON HISTORIC DISTRICT

-  Site
-  Conservation Landmarks
-  Historic Landmark

|             |                   |
|-------------|-------------------|
| File No.    | LU 20 - 128928 HR |
| 1/4 Section | 2832              |
| Scale       | 1 inch = 200 feet |
| State ID    | 1N1E26DC 8300     |
| Exhibit     | B Mar 31, 2020    |

# NAUGLER RESIDENCE

**\* Approved per Conditions B-D**

Address- 2009 NE 16TH AVE  
 PORTLAND, OR 97212  
 Property ID- R189367  
 Tax Roll- IRVINGTON, BLOCK 128, LOT 3  
 Use0 2-4 UNIT MULTI-FAMILY  
 Lot- 3  
 Block- 128  
 County- Multnomah  
 State ID- 1N1E26DC 8300  
 New State ID- 1N1E26DC -08300  
 Alt Account #- R420425960  
 Map Number- 2832 OLD  
 Land Type- RESIDENTIAL LAND

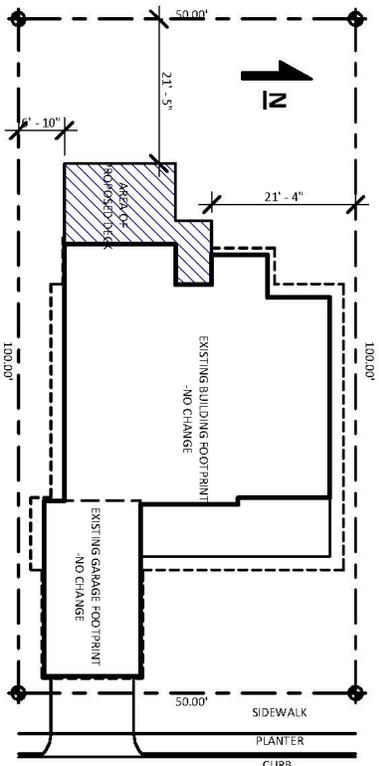
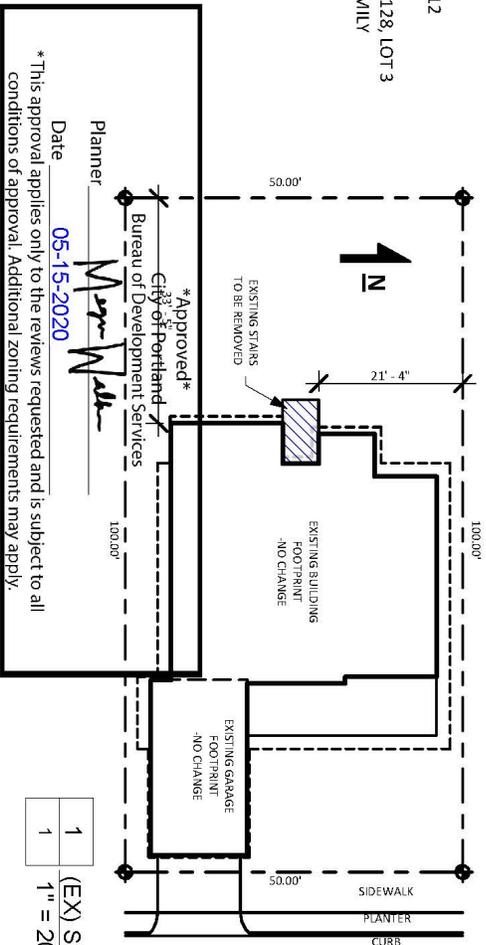
**Job Description-**  
 Kitchen Remodel  
 Deck Addition  
 Add (6) New Wood Windows  
 Add (1) New Rear French Door

**Building Coverage-**  
 Existing- 1,751 ft<sup>2</sup>  
 Proposed - 1,751 ft<sup>2</sup> (No Change)

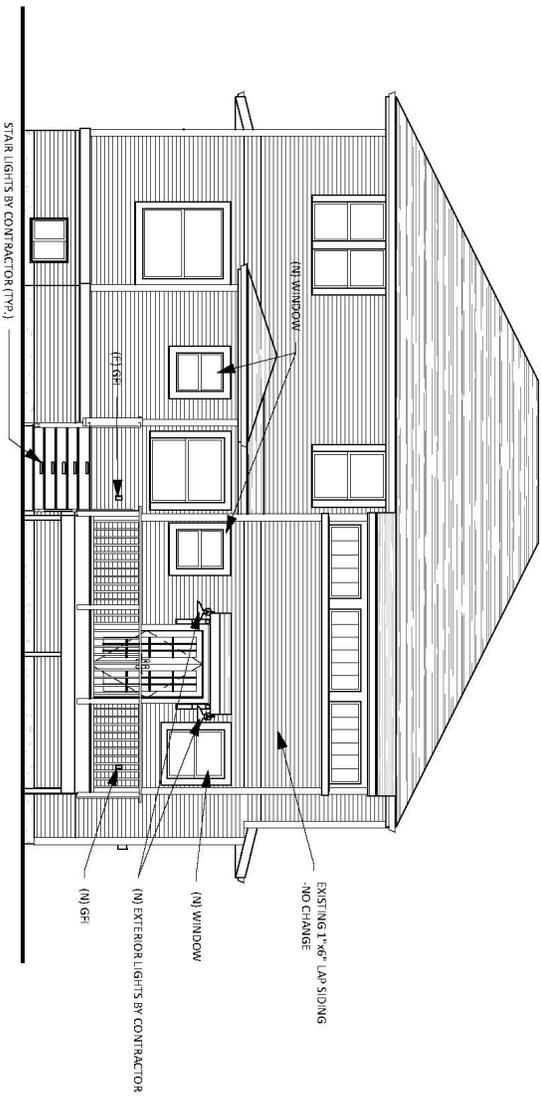
**Homeowner-**  
 NAUGLER DEBORAH A  
 & NAUGLER WILLSCO

**Contractor-**  
 Casa Bonita LLC  
 1631 NE Broadway St. #721  
 Portland OR, 97232  
 CCR: 189948

**Drawings-**  
 Builders Design Inc.  
 11125 NE Weidler St.  
 Portland OR, 97220



# NAUGLER RESIDENCE



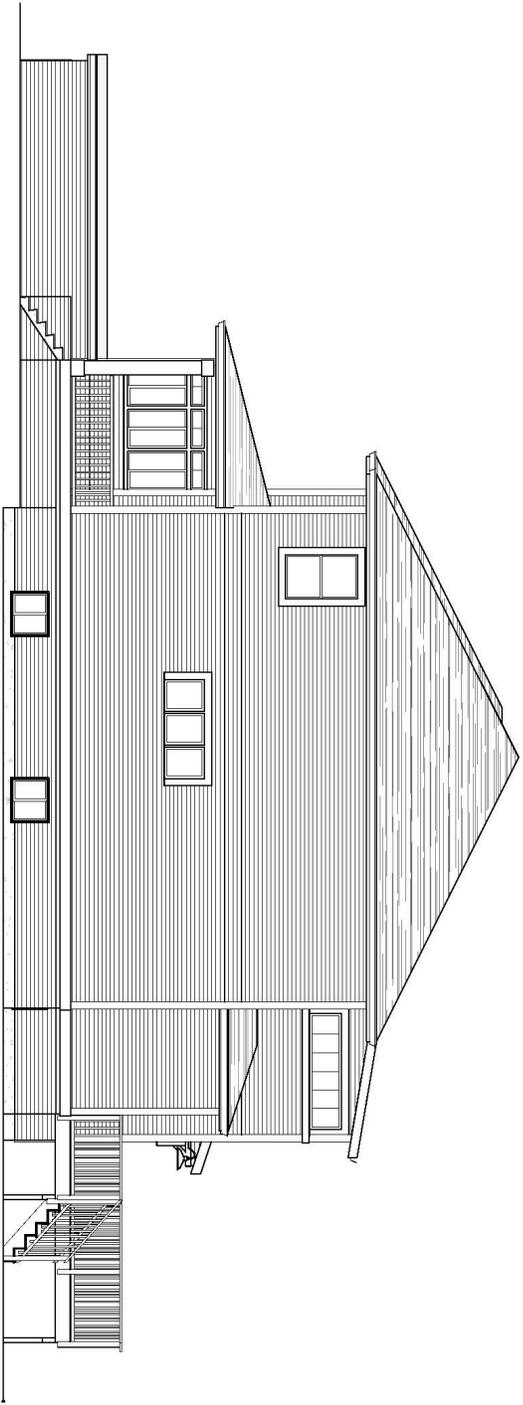
**NOTE: ALL NEW SIDING & TRIM TO MATCH  
EXISTING MATERIALS & COLORS**

|   |                |
|---|----------------|
| 1 | WEST ELEVATION |
| 3 | 1/8" = 1'-0"   |

\* Approved\*  
 City of Portland  
 Bureau of Development Services  
 Planner Mary Mall  
 Date 05-15-2020  
 \* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

# NAUGLER RESIDENCE

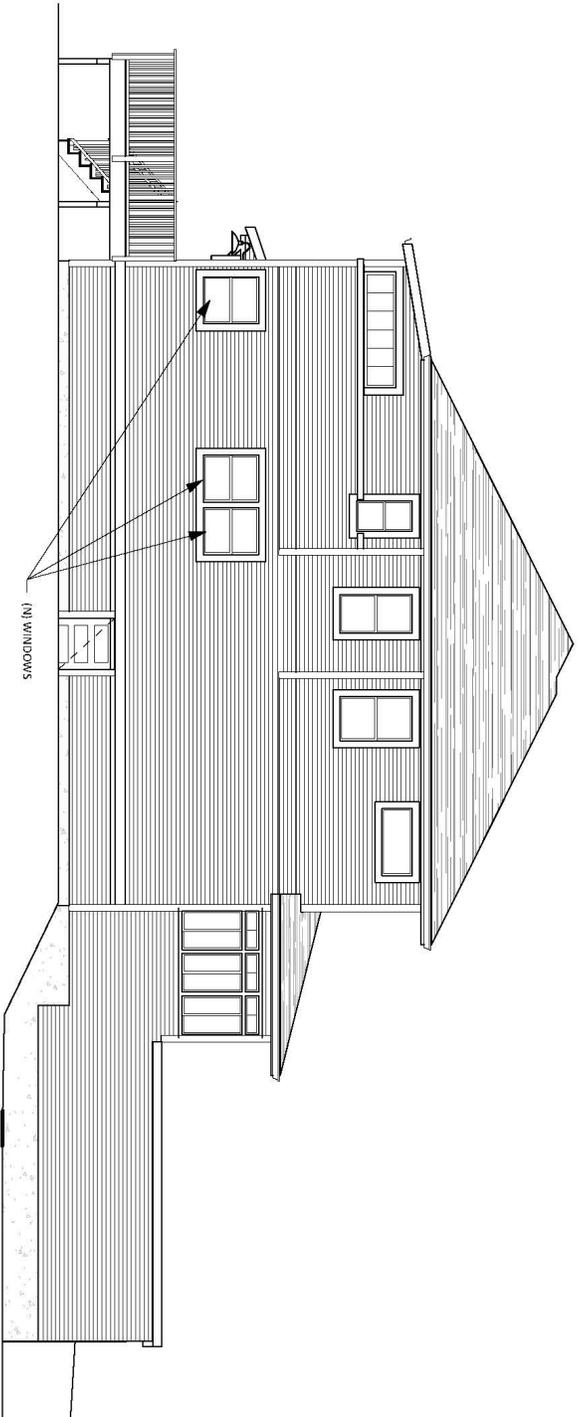
\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner *Marcus Allen*  
Date 05-15-2020  
\*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



|   |                 |
|---|-----------------|
| 1 | NORTH ELEVATION |
| 5 | 1/8" = 1'-0"    |

# NAUGLER RESIDENCE

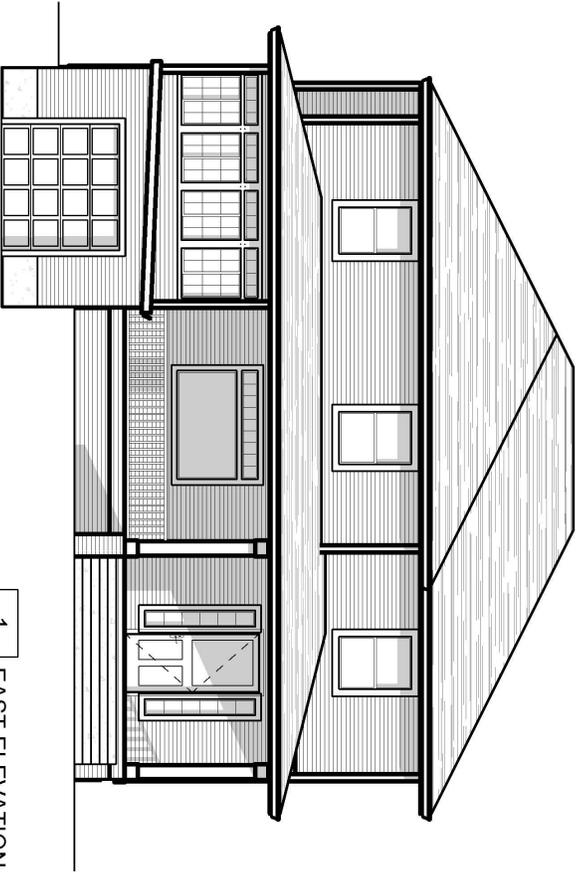
\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner Marc Allen  
Date 05-15-2020  
\* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



|   |                 |
|---|-----------------|
| 1 | SOUTH ELEVATION |
| 7 | 1/8" = 1'-0"    |

# NAUGLER RESIDENCE

\*Approved\*  
City of Portland  
Bureau of Development Services  
Planner *Mary Allen*  
Date 05-15-2020  
\*This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.



|   |                |
|---|----------------|
| 1 | EAST ELEVATION |
| 9 | 1/8" = 1'-0"   |

**NOTE : NO CHANGE TO ELEVATION**