



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: June 4, 2020
To: Interested Person
From: Megan Sita Walker, Land Use Services
503-823-7294 / MeganSita.Walker@portlandoregon.gov

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 20-132866 HR - ALTERATIONS

GENERAL INFORMATION

Applicant: Jack Barnes | Jack Barnes Architect
1809 NE 2nd Ave
Portland, OR 97212
(503) 232-1620

Owner: Suzanne Malin and Grant Malin
3116 NE 20th Ave
Portland, OR 97212

Site Address: 3116 NE 20TH AVE

Legal Description: None
Tax Account No.: R420405850
State ID No.: 1N1E26AA 10901
Quarter Section: 2732

Neighborhood: Sabin Community Assoc., contact Rachel Lee at sabin@necoalition.org, 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 property in the Irvington Historic District created through a Property Line Adjustment (LU 15-260654 PR).

Zoning: R5 – Residential 5,000 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 previously approved development in the Irvington Historic District (LU 15-257970 HRM) that is currently under construction. The proposed alterations include minor changes to window and chimney placement on side and rear (north, south, and east) elevations as follows:

- South Elevation - Change pair of ganged square windows to be two individual double-hung windows with matching the size & proportion of others on the same elevation and adjust location of 2nd floor window and basement window to maintain alignment with the new window placement.
- East Elevation - Change patio door width to 3'-0" accommodate wheelchair, change door type from full-lite to half-lite (to match door style on the north), and omit below grade basement windows.
- North Elevation - Add one double-hung window facing the entry porch to match the windows on the same elevation and adjust chimney location and location of windows on either side of the chimney.

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 the Portland Zoning Code, Title 33. The relevant approval criteria are:

- 33.846.060.G *Other approval criteria*

ANALYSIS

Site and Vicinity: The subject property is a relatively new lot, approximately 5,000 sf, created through a 2015 Property Line Adjustment (LU 15-260654). The original lot is approximately 10,000 sf and located at the north east corner of NE Siskiyou Street and NE 20th Avenue. It is the only larger double lot at that intersection, with the three other lots having an area of 5,000 sf. The site slopes down from south to north, and is also at a higher grade than the adjacent sidewalk. A retailing wall runs along the west property line. A large fir tree is located towards the rear and along the north property line.

Platted in the late Nineteenth Century, today's Irvington Historic District developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown. The contributing resources in Irvington range in design character from expressions of the late Victorian Era styles, especially Queen Anne, through the many Period Revival modes of the early decades of the Twentieth Century, to a few early modernist examples. There is also a wide diversity in the sizes of lots and houses. In terms of the streetscape, the numbered north-south avenues in Irvington vary dramatically in width, and they mostly form rather long block faces which the houses generally face. The named east-west street block faces are more consistent in length, almost all being traditional 200' Portland blocks. All are lined with mature street trees. Original development in many cases included garages or other accessory structures, typically facing side streets on corner lots and accessed by a variety of driveway types on mid-block sites. Garages that were added within the historic period were sometimes built at the sidewalk and/or out of architectural character with the house

Zoning: This property is zoned R5. The Residential 5,000 high-density 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. The R5 zone allows attached and detached single-dwelling structures and duplexes. 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 living unit per 5,000 square feet of site area.

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

Land Use History: City records indicate that prior land use reviews include the following:

- LU15-260654: Property Line Adjustment to confirm Lots 11 and 12 currently pending.
- LU15-257970 HR: Historic Resource Review approval of the construction of a single family residence in the Irvington Historic District. The proposal includes an accessory dwelling unit (ADU) in the basement, and a detached garage in the north east corner of the lot. The proposed residence is 2 stories high with a total height of 26.11'. Materials include painted cedar lap siding, painted cedar shakes at gable ends and dormer walls, architectural composite shingle roof and painted wood corner boards. Simpson wood doors and aluminum clad wood windows with wood surrounds and a brick chimney are also proposed. The staff-level approval was appealed to the Portland Landmarks Commission who denied the appeal and approved the proposal. The current proposal is for minor alterations to window locations on the previously approved structure.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on April 29, 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 29, 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 May 12, 2020, wrote in with no concerns regarding the proposal. See Exhibit F-1 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.
- 5. Historic materials.** Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings for 1, 2, 3, 4, and 5: The proposal is limited to alterations to a previously approved development of a vacant lot in the Irvington Historic District. As the features on the subject site are not listed in the District nomination as historically significant, the proposed development does not result in alteration to historically significant material, architectural features, or spaces. As the proposed development does not include alteration to historic materials or features, the proposal maintains the historic character of the resource, which in this case is the District as a whole.

These criteria are therefore 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.
- 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 7, 8, 9 and 10: As stated above, the proposal is limited to minor alterations to the previously approved single-dwelling development to include minor relocation of windows, chimney and a rear door all on side and rear elevations. As such, the proposal continues to be architecturally compatibility with neighboring contributing resources, and the District. Additionally, while the detailing of the proposed doors is deigned to relate to the historic detailing of the resource, the proposed alterations will be differentiated from the historic fabric of the District through the use of contemporary materials and construction methods.

These criteria are therefore met.

- 6. Archaeological resources.** Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: No ground surfaces are proposed to be disturbed as a part of the scope of the proposal. *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

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 27, 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 21, 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 after **June 5, 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:

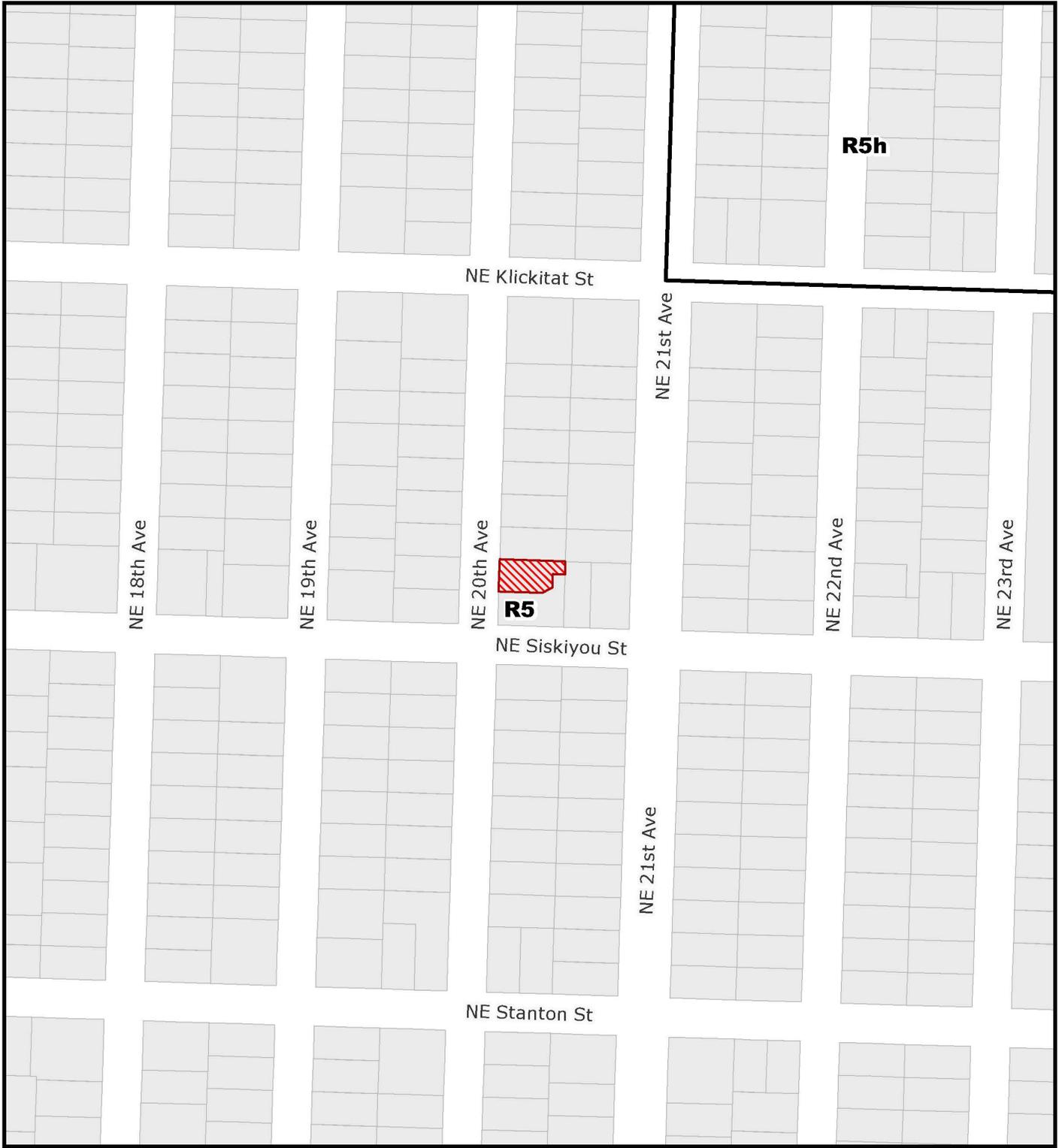
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement:
 - 1. Original Project Description & Response to Approval Criteria
 - 2. Original Drawings
 - 3. Original Specifications
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Basement Plan
 - 3. First Floor Plan
 - 4. Second Floor Plan
 - 5. Attic Plan
 - 6. West Elevation (attached)
 - 7. South Elevation (attached)
 - 8. East Elevation (attached)
 - 9. North Elevation (attached)
 - 10. Details – Windows & Doors
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence:
 - 1. Dean Gisvold, Chair of the ICA, on May 12, 2020
- G. Other:
 - 1. Original LU Application
 - 2. Notice of Final Findings, Conclusions and Decision (LU 15-257970 HR)

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).

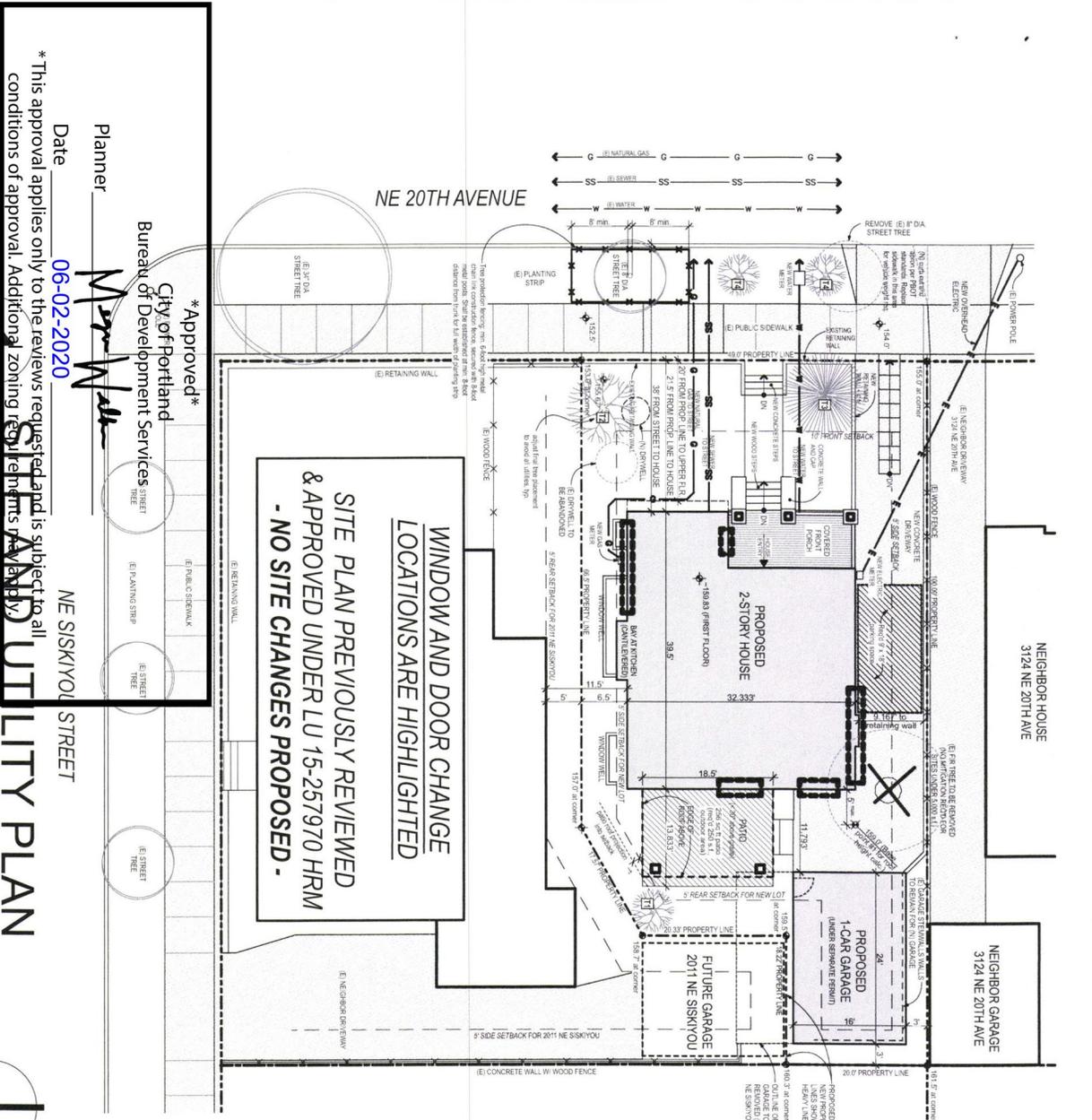


ZONING



THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

File No.	LU 20 - 132866 HR
1/4 Section	2732
Scale	1 inch = 200 feet
State ID	1N1E26AA 10901
Exhibit	B Apr 01, 2020



* Approved*
 City of Portland
 Bureau of Development Services
 Date **06-02-2020**
 Planner *[Signature]*
 NE SISKIYOU STREET

SCALE: 1" = 20'

UTILITY PLAN

HR-2

Plotted On: 3/16/20
 EXH C-1



Site Plan

JACK BARNES ARCHITECT
 1809 NE 2nd Ave
 Portland, Oregon 97212
 T 503.232.1620
 jack@jackbarnesarchitect.com
 www.jackbarnesarchitect.com

Siskiyou House
 3116 NE 20th Ave
 Portland, OR 97212

client:
 Grant & Suzanne Malin

@ Jack Barnes Architect, P.C. 2020

* Approved*
 City of Portland
 Bureau of Development Services

Planner Megan Wall

Date 06-02-2020

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



WEST ELEVATION

SCALE: 1/8" = 1'-0"

1

NO PROPOSED CHANGES AT WEST FACADE

JACK BARNES ARCHITECT
 1809 NE 2nd Ave
 Portland, Oregon 97212
 T 503.232.1620
 jack@jackbarnesarchitect.com
 www.jackbarnesarchitect.com

Siskiyou House
 3116 NE 20th Ave
 Portland, OR 97212

client:
 Grant & Suzanne Mallin

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West Elevation

HR-7

Plotted On: 3/16/20
EXH C-6

**JACK BARNES
ARCHITECT**

1809 NE 2nd Ave
Portland, Oregon 97212

T 503.232.1620

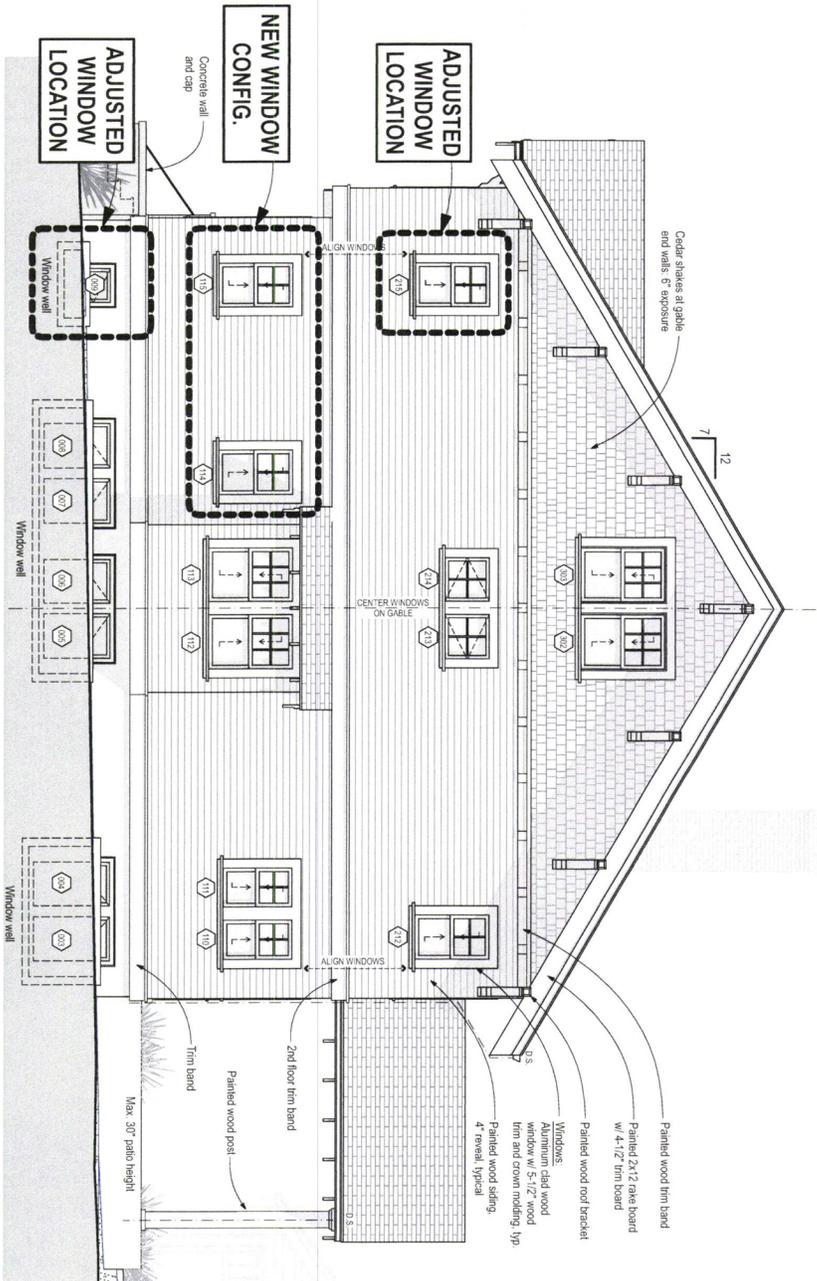
jack@jackbarnesarchitect.com
www.jackbarnesarchitect.com

Siskiyou House

3116 NE 20th Ave
Portland, OR 97212

client:
Grant & Suzanne Malin

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1 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

52,71 SF OF AFFECTED FACADE AREA

Approved
City of Portland
Bureau of Development Services
Planner *Megan Walker*
Date **06-02-2020**

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



South Elevation

HR-8

Plotting On: 3/16/20
EXH C-7

**JACK BARNES
ARCHITECT**

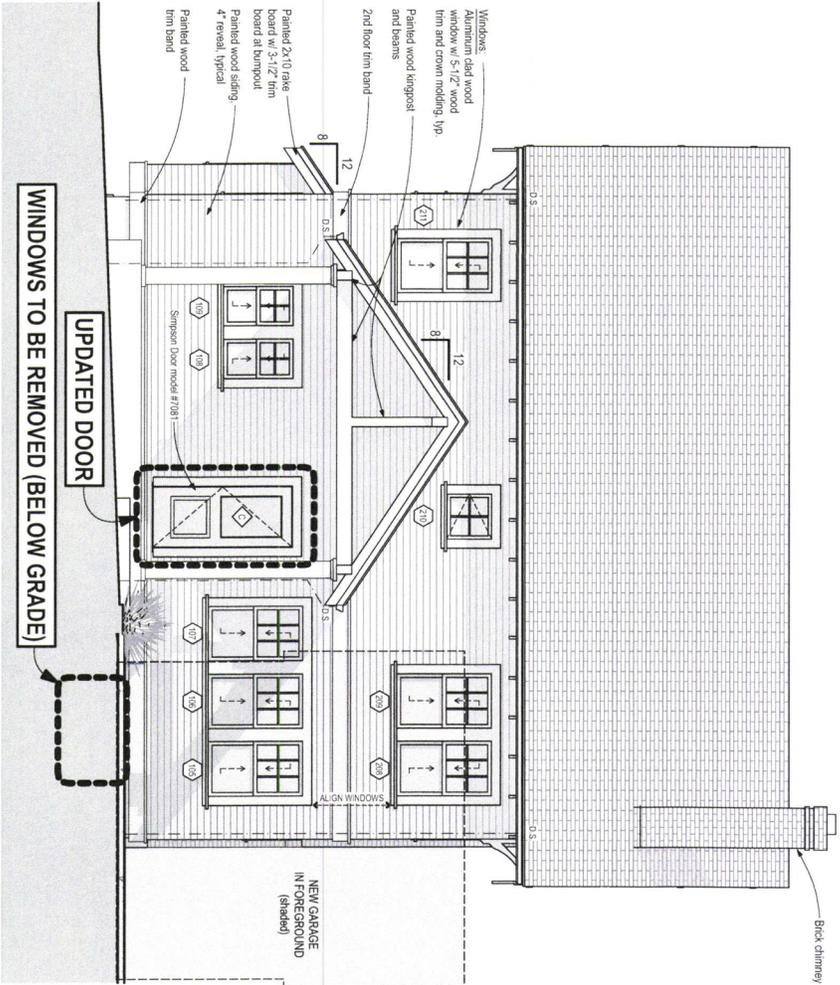
1809 NE 2nd Ave
Portland, Oregon 97212
T 503.232.1620
jack@jackbarnesarchitect.com
www.jackbarnesar.chitect.com

Siskiyou House

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Portland, OR 97212

client:
Grant & Suzanne Malin

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EAST ELEVATION

SCALE: 1/8" = 1'-0"

1

29.83 SF OF AFFECTED FACADE AREA

Planner

Date

06-02-2020

Mary Mall

Bureau of Development Services

City of Portland

Approved

East Elevation

HR-9

Plotted On: 3/16/20

EXH C-8



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

* Approved *
 City of Portland
 Bureau of Development Services

Planner _____

Mary Wall

Date **06-02-2020**

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply. 503.232.620

JACK BARNES
ARCHITECT

1809 NE 21st Ave
 Portland, Oregon 97212

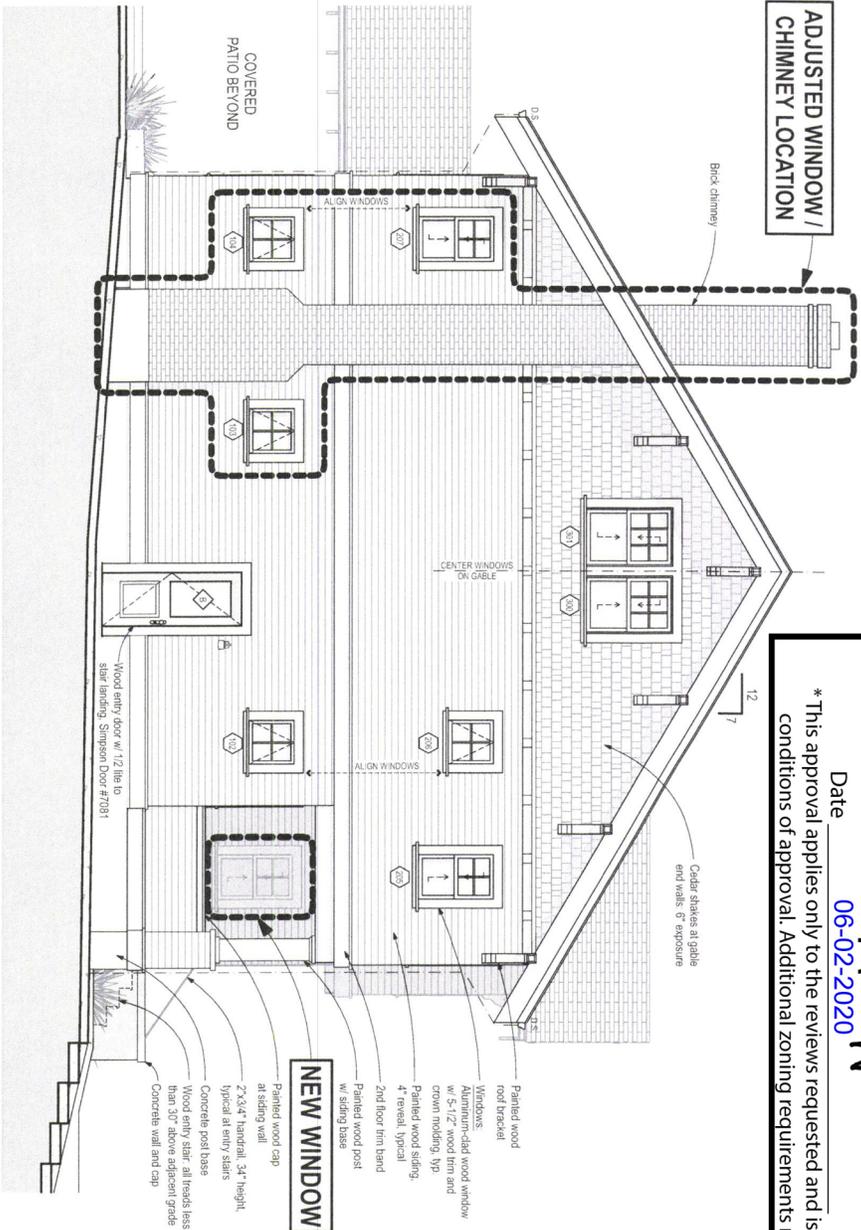
jack@jackbarnesarchitect.com
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Siskiyou House

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client:
 Grant & Suzanne Mallin

© Jack Barnes Architect, P.C. 2020



1

NORTH ELEVATION

SCALE: 1/8" = 1'-0"

64.56 SF OF AFFECTED FACADE AREA



North Elevation

HR-10

Plotted On: 3/16/20
EXH C-9