



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

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Date: May 20, 2021
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 21-023159 HR – GARAGE REBUILD IN IRVINGTON

GENERAL INFORMATION

Applicant: Beate Ioanide-Culi | R & B Design Studio
70 NE Fremont Street
Portland, OR 97212

Owner: Julie Roether and Thomas Simonson
2349 NE 20th Ave
Portland, OR 97212

Site Address: 2349 NE 20TH AVE

Legal Description: BLOCK 34 S 1/2 OF LOT 5 N 1/2 OF LOT 6, IRVINGTON
Tax Account No.: R420407260
State ID No.: 1N1E26DA 03500
Quarter Section: 2832
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: *Non-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 approval to demolish and rebuild the existing one-car garage on the existing garage foundation. To support the new roof, the height of the

proposed rebuild will be 16” taller than the existing, for a total height of eight feet and eight inches (8’-8”). The previously mailed notice showed a roof deck on the roof of the proposed garage. The applicant has removed the rooftop deck from the scope of the review.

Historic Resource Review is required 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, Portland’s Zoning Code. The relevant approval criteria are:

- 33.846.060.G – *Other Approval Criteria*

ANALYSIS

Site and Vicinity: Constructed in 1925, the primary home and the garage on the property were found to be non-contributing when the Irvington National Register Nomination was compiled. A note in the nomination states that the garage appears to have been modified. The mid-block, 5,000 property is located in the Irvington Historic District.

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.

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 **April 15, 2021**. The Type I Review does not trigger reviews from other bureaus.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **April 15, 2021**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Dean Gisvold. April 29, 2021. The ICA does not object to the proposal but questions whether the property was correctly classified as non-contributing.

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 to re-build a garage in the same footprint as the existing non-garage will maintain the character and features of this non-contributing resource, which serves as a record of its time in its design, despite not being classified as a contributing structure. The minor increase to height to facilitate necessary roof structure will have minimal impact on the street façade. Since the garage is set into the hillside, the street façade is the only fully exposed façade. The changes will not impact its contribution to the street pattern of garages set into grade, and houses set above them, which is typical on this block.

While the existing garage will be demolished and rebuilt, it lacks any historic designation that warrants preserving its materials. The proposed re-built garage will be formed out of the same material palette, with new painted wood trim to match the existing wood trim.

Therefore, these guidelines are met.

- 7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.
- 8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with

disabilities, design solutions will not compromise the architectural integrity of the historic resource.

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: The proposed rebuilt garage will be constructed with modern construction methods and materials and will therefore be less vulnerable to the cracking and deterioration of water damage and pressure that has compromised the existing structure. While three sides of the exterior are obscured by soil, when viewed from within the new structure it will be easily differentiated from the previous garage. In matching the size of the existing garage, and rebuilding it on the same footprint, the new structure will match the original building's size, scale, and architectural features.

As neither the house nor the garage are contributing resources, the garage is evaluated for compatibility within the Historic District. Matching the original form and materiality of the existing garage, and maintaining its location ensures a consistent contribution to the unique typology in this part of Irvington where garages are embedded within the slope of the hillside, and houses are set one story above the street. This garage is compatible with its non-contributing primary resource, and the adjacent properties, and the Historic District.

Therefore, these guidelines 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 the demolition and rebuilding of a garage in the existing garage footprint, per the approved site plans, Exhibits C-1 through C-5, signed and dated May 20, 2021, 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 21-023159 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: Hannah Bryant

Decision rendered by:  **on May 18, 2021**
By authority of the Director of the Bureau of Development Services

Decision mailed May 20, 2021

Procedural Information. The application for this land use review was submitted on March 8, 2021 and was determined to be complete on April 7, 2021.

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 8, 2021.

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: August 5, 2021.**

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 paper 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 **May 20, 2021** 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. Original Submittal
 2. Revised Submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Floor Plan
 3. Garage Section
 4. Front (Street) Elevation
 5. Garage Door Cut Sheet
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses: None
- F. Correspondence:
 1. Gisvold, Dean. April 29, 2021. The ICA does not object to the proposal, but questions whether the property is correctly classified as non-contributing.
- 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



THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT



Site



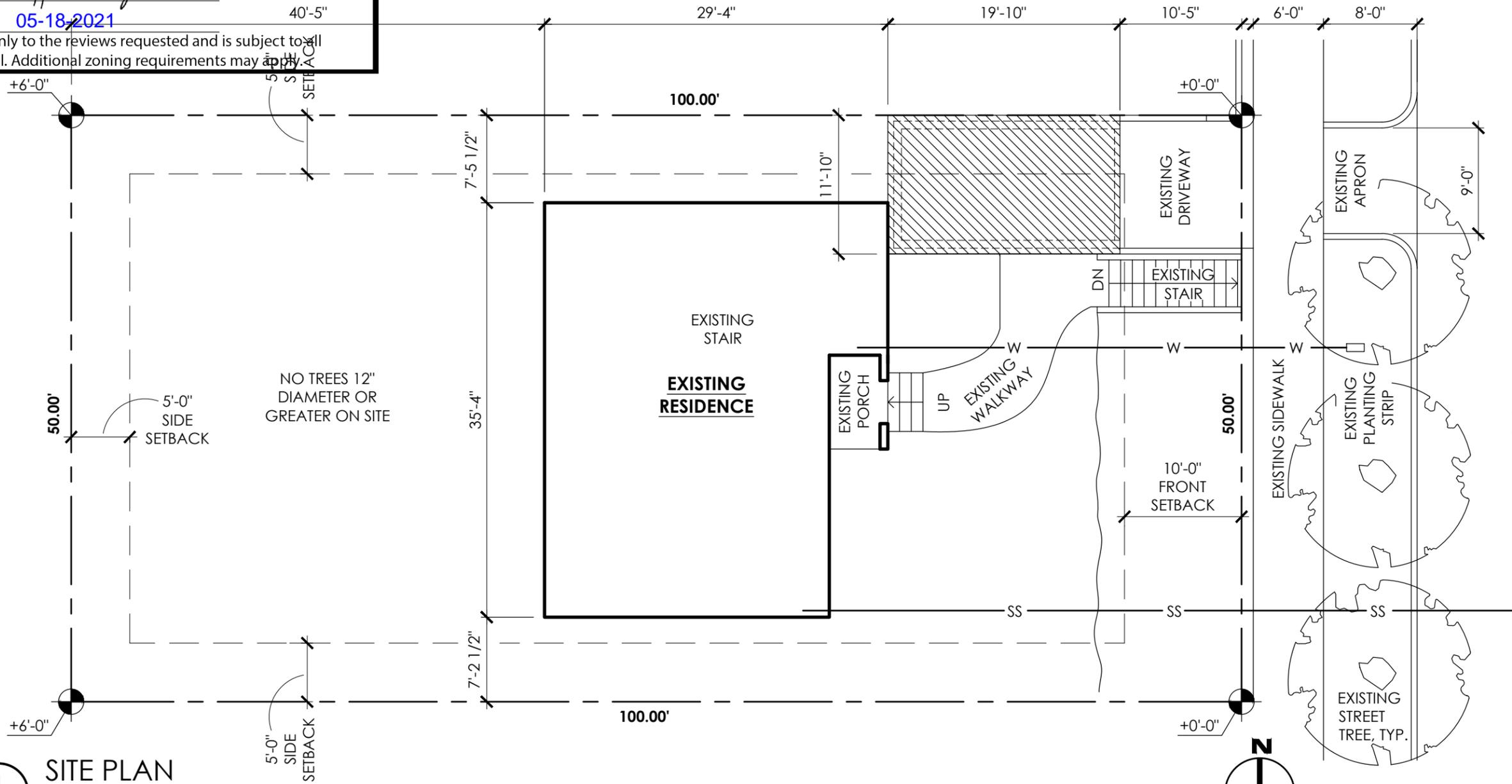
Historic Landmark

File No.	LU 21 - 023159 HR
1/4 Section	2832
Scale	1 inch = 200 feet
State ID	1N1E26DA 3500
Exhibit	B Mar 09, 2021

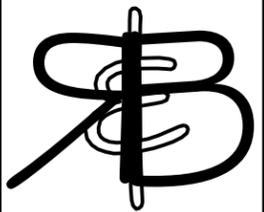
Planner Spencer M. Project

Date 05-18-2021

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



NE 20TH AVENUE



R#B DESIGN STUDIO LLC

**SIMONSON-ROETHER RESIDENCE
 GARAGE REMODEL**

2349 NE 20TH AVE, PORTLAND, OR 97212

1
1
 SITE PLAN
 SCALE: 1"=10'-0"

- LEGEND:**
- — — — — PROPERTY LINE
 - - - - - ZONING SETBACK LINE
 - E — — — — — EXISTING OVERHEAD ELECTRICAL WIRE
 - W — — — — — EXISTING WATER LINE
 - SS — — — — — EXISTING SANITARY SEWER CONNECTION
 - ▭ EXISTING BUILDING FOOTPRINT

REMODEL EXISTING GARAGE: ADD NEW CONCRETE STEM WALLS AT INTERIOR FACE OF EXISTING CONCRETE WALLS. DEMO EXISTING GARAGE ROOF AND BUILD NEW CONCRETE SLAB ROOF

ZONING: R5, IRVINGTON HISTORIC DISTRICT
 SITE AREA: 5,000 SF
 PROPERTY ID: R188063

MAXIMUM TOTAL BUILDING COVERAGE ALLOWED: NO CHANGE

BUILDING SUMMARY NO CHANGE
 EXISTING GARAGE: 223 SF (NO CHANGE)

IMPERVIOUS AREA: NO CHANGE

GARAGE

LU 21-023159 HR
 C.1

SITE PLAN

HISTORIC REVIEW SET
 DATE: 04.16.2021

2013ADD

1