



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

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Date: June 2, 2021
To: Interested Person
From: Tim Heron, Land Use Services
503-823-7726 / Tim.Heron@portlandoregon.gov

NOTICE OF A TYPE II 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 21-012455 HR – 2511 NE 8TH AVE REMODEL

GENERAL INFORMATION

Applicant: Rick Potestio, Potestio Studio Architecture, rick@potestiostudio.com
2221 SW Park Pl. Suite 502
Portland, OR 97205

Owner: Gregory Martin
724 N Columbia Blvd #212
Portland, OR 97217-1014

Party of Interest: Luca Gorman, Captita NW Homebuyers
20449 SW Tualatin Valley Hwy
Aloha, OR 97003

Site Address: 2511 NE 8TH AVE
Legal Description: BLOCK 117 LOT 9, IRVINGTON
Tax Account No.: R420425540
State ID No.: 1N1E26CB 00600
Quarter Section: 2831
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

Zoning: R5a, Single-Dwelling Zone, 5,000 SF lot
Case Type: HR, Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Design Commission.

Proposal:

The applicant requests Historic Resource Review approval for the replacement of all existing non-permitted vinyl windows with fiberglass paintable windows, replacement of existing faux

shingles with new clapboard style horizontal boards, and alterations of the existing porch, column and trim.

Because the proposal is for exterior alterations in a Historic District, Historic Resource Review is required.

Relevant Approval Criteria:

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

- 33.846.060 [Historic Resource Review] Approval Criteria

ANALYSIS

Site and Vicinity: The existing house, while not considered a contributing resource to the Irvington Historic District, was built c.1922 in a Minimal Traditional style that is consistent with the district. Many alterations appear to have occurred prior to and after the October 22, 2010 National Register Nomination.

Platted in the late Nineteenth Century, today's Irvington Historic District represents the first additions to Portland that employed restrictive covenants from the outset. These included the exclusion of most non-residential uses from the interior of the neighborhood, and where non-residential uses were allowed, such as the fire station and the telephone exchange, the buildings were purposely disguised to appear more residential in character. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. The area developed generally from southwest to northeast and its growth was greatly influenced by the installation of streetcar lines that introduced an easy commuting option to downtown.

The 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: 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 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 there are no prior land use reviews for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **December 14, 2020**. Three Bureaus responded with no concerns.

- Portland Bureau of Transportation, Exhibit E1.
- Bureau of Development Services Life Safety, Exhibit E2.
- Bureau of Urban Forestry, Exhibit E3.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **December 14, 2020**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Exhibit F.1: Dean P. Gisvold, on behalf of the Irvington Neighborhood Association (ICA), received May 14, 2021, stated, among other things: *the land use committee is delighted that a thoughtful applicant has bought the property, has hired a talented architect, and wants to do the right thing with this property.*

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: This proposal is to undo already completed exterior alterations, including siding and windows, that were made without the required Historic Resource Review, and to allow a different proposal for new windows and siding.

The existing house, while not considered a contributing resource to the Irvington Historic District, was built c.1922 in a Minimal Traditional style that is consistent with the district.

This revised proposal includes the new, thicker fiber cement lap siding, which will replace the existing thinner fiber cement shingle siding, which likely replaced original horizontal lap siding. This proposal also includes new painted fiberglass double-hung and fixed windows to replace the installed vinyl windows. Lastly, the proposal includes expanding the front porch by extending the existing roof line and matching slope, adding a decorative column, wood trim and railings.

While this house is not considered to be a contributing resource to the district, it is still required that consideration be made prior to undertaking exterior alterations through the review process to ensure proposed changes maintain the character of the property and the historic character of the district. The proposed new painted fiberglass windows will be double hung, which better reflects the period of significance in both finish and operation.

This review is happening after exterior alterations have occurred, and it cannot be shown whether there were any deteriorated historic features, such as the double-hung wood windows or lap siding, that could have been repaired rather than replaced. However, this revised proposal, with new thicker fiber cement lap siding, new painted fiberglass windows and an expanded front porch helps maintain the character of the property, as well as the historic character of the district.

Therefore, these criteria 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.

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, and 10: As noted above, while this house is not considered to be a contributing resource to the district, it is still important that exterior alterations made to it are compatible with the character of the house, adjacent properties, and the surrounding historic district.

This revised proposal includes new thicker fiber cement smooth lap siding and new painted fiberglass windows:

- **Siding.** The new siding is thicker fiber cement smooth lap siding with 6" exposure. There will be wood trim around fenestration and at changes in massing. This assembly adds depth to the cladding system, and the windows will now be recessed from the face of glazing to the outside face of trim.
- **Windows.** The new windows are painted fiberglass with cedar sills. Most of them will be double-hung operation with a pair of fixed at the basement level on the south elevation.
- **Remodeled porch.** The revised porch design extends the existing recessed porch and slightly expands the first floor. The matching gable, decorative column, and

wood trimmed features all contribute to enhance the historic character of this non-contributing home.

As a non-contributing property, the proposed lap siding, casings and recessed painted fiberglass windows, and remodel are more consistent with the historic character of the house, adjacent properties, and the district than the previous proposal. For contributing resources, the expectation is that original siding and windows are maintained, or if damaged beyond repair, be replaced with wood siding and windows to match existing. This house, however, is not considered to be a contributing resource, and the new thicker fiber cement lap siding, painted fiberglass double-hung and fixed windows and remodeled front porch are considered suitable in this case, and compatible with the character of the house, adjacent properties, and the surrounding historic district.

Therefore, these criteria met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to demonstrate conformance with all development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met or have received an Adjustment 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. The proposal meets the applicable Historic Resource Review criteria and warrants approval.

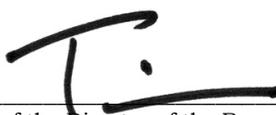
ADMINISTRATIVE DECISION

Approval for the replacement of all existing non-permitted vinyl windows with fiberglass paintable windows, replacement of existing faux shingles with new clapboard style horizontal boards, and alterations of the existing porch, column and trim.

Approval per Exhibits C-1 through C-8, signed and dated May 28, 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 4 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 21-012455 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: Tim Heron

Decision rendered by:  **on May 28, 2021**
By authority of the Director of the Bureau of Development Services

Decision mailed: June 2, 2021

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on February 5, 2021, and was determined to be complete on **April 20, 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 February 5, 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 18, 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.

Appealing this decision. This decision may be appealed to the Landmarks Commission, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on June 16, 2021. The completed appeal application form must be emailed to LandUseIntake@portlandoregon.gov and to the planner listed on the first page of this decision.** If you do not have access to e-mail, please telephone the planner listed on the front page of this notice about submitting the appeal application. **An appeal fee of \$250 will be charged.** Once the completed appeal application form is received, Bureau of Development Services staff will contact you regarding paying the appeal fee. The appeal fee will be refunded if the appellant prevails. There is no fee for Office of Community and Civic Life recognized organizations for the appeal of Type II and IIx decisions on property within the organization’s boundaries. The vote to appeal must be in accordance with the organization’s bylaws. Please

contact the planner listed on the front page of this decision for assistance in filing the appeal and information on fee waivers. Please see the appeal form for additional information.

If you are interested in viewing information in this file, please contact the planner listed on the front of this notice. The planner can email you documents from the file. A fee would be required for all requests for paper copies of file documents. Additional information about the City of Portland, and city bureaus is available online at <https://www.portland.gov>. A digital copy of the Portland Zoning Code is available online at <https://www.portlandoregon.gov/zoningcode>.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Landmarks Commission is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Landmarks Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

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 **June 17, 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 of 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 submittal
 - 2. Revised submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Basement Plan
 - 3. First Floor Plan [attached]
 - 4. South & East Elevations [attached]
 - 5. West & North Elevations
 - 6. Electrical/ HVAC Plan
 - 7. Trim and Window Details
 - 8. Railing Detail/ Schedules
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Portland Bureau of Transportation
 - 2. Bureau of Development Services Life Safety
 - 3. Bureau of Urban Forestry
- F. Correspondence:
 - 1. Dean P. Gisvold, on behalf of the Irvington Neighborhood Association (ICA).
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter

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).