



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

Dan Ryan, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7300
Fax: (503) 823-5630
TTY: (503) 823-6868
www.portland.gov/bds

Date: September 21, 2021
To: Interested Person
From: Amanda Rhoads, Land Use Services
503-865-6514 / Amanda.Rhoads@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 21-050853 HR – REAR ADDITION

GENERAL INFORMATION

Applicant: Darren Schroeder | Darren Schroeder Design And Consulting
716 SE 45th Ave | Portland OR 97215
503-516-2678 | darren@dcdc.us

Owners: Nicholas Arnerich et al
2229 NE 8th Ave
Portland, OR 97212-3804

Site Address: 2229 NE 8TH AVE

Legal Description: BLOCK 119 LOT 3, WEST IRVINGTON
Tax Account No.: R893602440
State ID No.: 1N1E26CB 15300
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 at 503-388-5004
Plan District: None
Other Designations: Contributing resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010

Zoning: R5a – Single-Dwelling Residential 5,000 with “a” Alternative Design Density Overlay Zoning

Case Type: HR – Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant proposes a substantial addition at the rear of the existing resource in the Irvington Historic District. The proposed addition is 18 feet by 24 feet, 2 inches and proposed to be constructed in line with the existing north and south walls of the house. More than 60 percent of the existing north wall is located within the 5-foot setback, at 3 feet, 4 inches, with

eaves at 1 foot 10 inches. This allows the new wall and eaves to be located within the setback at the same distances as the existing, per Zoning Code Section 33.110.220.D.5. The addition will join with the existing gambrel roof and match in height, pitch, and width; the addition starts behind the cross-gambrel.

The proposal includes removal of non-original cedar shake siding (removal of which is not subject to Historic Resource Review), so the addition will be clad in tongue-and-groove wood siding to match the original. New window trim consistent with the details of the period will be provided around all windows to replace the non-original trim added after the cedar shake was installed. Existing windows will be retained except for the rear façade; new windows on the addition will be mahogany wood double-hung and casement windows. The new patio door is also wood.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations within a historic district. Other exempt work includes addition of a rear deck and other alterations to the backyard.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant approval criteria are:

- 33.846.060.G *Other approval criteria*

ANALYSIS

Site and Vicinity: The subject resource, known as the James and Sophia Shives House, is a two-story house with a steeply sloping gambrel roof form, in the Colonial Revival style. It was built in 1906. Because of its age and intact exterior, as viewed from the street, the house has been evaluated as contributing to the character of the Irvington Historic District. The site is 5,000 square feet in size, and the north wall of the house is located at 3 feet, 4 inches from the north property line. The existing garage at the front property line was not designated as a contributing resource.

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 the following land use reviews for this site:

- **LU 13-225309 HR:** Historic Resource Review approval to remove a non-historic partial enclosure of the front porch and install new wooden guardrails and handrails.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **July 23, 2021**. The following Bureaus have responded with no issues or concerns:

- Bureau of Transportation (Exhibit E.2);
- Water Bureau (Exhibit E.3);
- Fire Bureau (Exhibit E.4); and
- Site Development Section of BDS (Exhibit E.5).

The Bureau of Environmental Services (BES) noted that no stormwater management plan was submitted and that the placement of stormwater facilities might impact the design presented in this Historic Resource Review; but noted BES has no specific approval criteria for Historic Resource Reviews. Information on BES requirements for stormwater and sanitary service was provided to aid during the building permit process (Exhibit E.1).

The Life Safety Plans Examiner likewise indicated that Plan Review does not object to the approval of the proposal, and provided information about building code requirements for permitting (Exhibit E.6).

Neighborhood Review: A written response was received from the Irvington Community Association Land Use Committee in reaction to the proposal. The response made several points. First, the email states, "this application is a thoughtful expansion that takes all of its massing, form, cues, patterns and character from the existing contributing structure and simply replicates and uses them to increase significantly the size of the house. The application uses materials of high quality."

The email then notes it is not clear how the proposed building compares to nearby resources in overall bulk and massing. The rest of the email addresses the north wall of the addition, raising concerns that the wall continues the existing wall in the setback; is blank with no windows to break up the façade; and that "[p]rior expansions of this size were required to be set in some distance so as to differentiate the new from the old." Doing so in this case could minimize the adverse impacts upon the adjoining properties.

To respond to the issue of how the proposed will compare with other nearby resources, staff reviewed aerial photos and building footprint representations available in PortlandMaps.com.



From this image, it appears the existing house is one of the smaller houses on the subject block and the block to the east (to the west is the Eliot Conservation District). The 18-foot addition will result in a development that is roughly comparable to other nearby resources. Note that the two structures with the largest footprints are not designated as contributing resources within the historic district. Responses to the other comments are provided within the findings below.

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.

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.

Findings for 1, 2, 3, 4, 5, and 9: The project is an 18-foot by 24-foot addition onto the rear of a 1906 single-dwelling residence built in the Colonial Revival/Dutch Colonial styles and considered a contributing resource to the historic district.

The proposed gambrel roof form, materials, details, and new windows will match the details of the existing cross-gambrel roof and windows, respectively, on the rest of the house. The new roof will be aligned with the existing roof at the same height and width as the existing so as to not affect the overall appearance of the front façade; eave depth, roof pitch, and height will all match the existing resource.

The addition will have a new rear door and several new windows of different styles facing west, along with two new double-hung windows on the south elevation, matching adjacent windows in size and orientation. A condition of approval will require that all new double-hung windows will match the depth of the existing windows in the wall plane; and will include ogee lugs on the upper stiles to match the existing original windows on the house. The elevation drawings show that the new windows match existing in form and width of stiles and rails.

The siding on the addition will match the underlying tongue-and-groove wood siding on the existing house, which will be uncovered and repaired as required. A condition of approval will limit the replacement of the original siding to 50 percent of the total; more than that would require additional review. New trim is required due to previous removal of original trim when the cedar shingle siding was installed; the trim design took its cues from a “sister” 1906 Dutch colonial house across the street, as shown in Exhibit C.4. Other existing materials such as windows shall not be removed or altered beyond what is shown in the proposed plans. The addition and new windows shall match the existing in detail, such as siding, trim, eave depth, roofing, and paint colors.

The essential form and integrity of the resource will be retained, particularly as it is viewed from the public realm. The proposed addition and other alterations, located at the rear, will preserve the majority of the historic resource and its historic character, allowing it to remain a record of its time. No known changes to the resource have acquired additional historic significance. The windows proposed for removal will accommodate introduction of a new full-light door to provide access to a new rear deck in the backyard. Ample windows on the west façade provide light and egress for the new addition and will have minimal impact to this historic resource due to its lack of visibility from the public realm. Reuse of the existing windows is infeasible as egress is required from the new bedroom addition and the existing windows do not meet egress requirements. All other historic materials will be preserved and protected. *With the conditions of approval for windows and siding, these criteria are 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: While a new foundation will be poured, the earthwork required is relatively minimal and is not expected to produce significant archaeological resources. *This criterion is not applicable.*

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: The proposed addition will blend relatively seamlessly with the existing resource in that the siding, trim, and roof form are designed to match the existing house and fit behind the existing cross-gable at the same width as the front gambrel. The existing non-original siding material will be removed and the siding on the addition will match the original 6-inch tongue-and-groove siding underneath; the original siding on the existing house will be repaired.

The ICA Land Use Committee asked about setting the wall of the addition back from the north property line; staff also asked the applicant about setting in the addition from the existing house walls as a way of differentiating new from old. The applicant raised concerns about an addition that would be narrower than the existing house; the addition would not read as though it were a continuation of the existing gambrel roof. IT is not common among houses with cross-gambrel roof forms that one wing of the house is significantly smaller or lower than the others.

Second, the applicant pointed out that the floor plate is some 23 feet inside, and narrowing the addition would result in much less usable space for roughly the same cost. While this is not related to an approval criterion, narrowing the addition might result in a need to expand it further into the backyard to accommodate the design goals, which would result in an unbalanced design where the addition is slimmer than the front gambrel, but longer, compromising the house's integrity.

Third, as noted above, this house has a smaller footprint than other houses in the immediate area; the additional length will not unduly extend the house beyond what is commonly seen among contributing resources nearby. For these reasons, accepts that an addition that is the same width and height of the existing house is compatible with the existing massing and architectural features.

The ICA Land Use Committee also had concerns about the north wall addition being blank. However, given its location within the north setback (which is allowed by right), the lack of windows ensures there are no privacy impacts on the neighbors to the north. Further, an existing 6-foot-tall wood fence is already located on the north property line. For the most part, the fence will obscure the view of the new wall. Finally, the upper windows in the cross-gambrel end wall facing north will be retained, as well as the door on the main level.

Existing windows will be retained, while new trim on all windows will mimic historic trim profiles and help ensure new windows will integrate with the rest of the house. New windows are wood, with one-over-one double-hung windows to match existing, and new casement windows to provide egress and additional airflow. New windows will be distinguished with dual-pane construction. The horizontal double-hung window on the west façade is differentiated in its orientation but designed to be compatible with the other windows in its materiality and operation; due to its location at the rear of the side façade, it will be minimally visible from the public realm. Overall, the proposed addition

is designed to be compatible with the historic resource, adjacent properties, and the larger historic district in its form and proposed materials. *These criteria are met.*

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 proposed alterations are compatible with the historic resource, located at the rear of the property, and will facilitate continued use and enjoyment of the resource with minimal impact to its public face. 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, with the listed conditions of approval, therefore warrants approval.

ADMINISTRATIVE DECISION

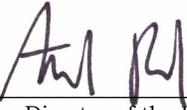
Approval of an 18-foot by 24-foot addition at the rear of the existing resource in the Irvington Historic District. The addition is proposed to be constructed in line with the existing house width. More than 60% of the existing north wall is located within the 5'-0" setback, at 3 feet, 4 inches, with the eave at 1 foot, 10 inches. Zoning Code Section 33.110.220.D.5 allows the wall and eave of the new addition to be located at the same depth within the setback. The proposed addition will feature wood tongue-and-groove siding to match the original house siding which is being restored as part of this project. New windows will be wood and will match original. Wood, full-light door is proposed. Also proposed at the rear is the revision from four casement windows to a pair of French doors with sidelights to allow access to a new wood deck (exempt from review). A new wood pergola is proposed to be mounted to the wood deck and extend over the eave of the new addition. No changes are proposed to the south (front) elevation.

This approval is per the approved plans, Exhibits C.1 through C.6, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through E) 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 21-050853 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. All new windows will be set into the wall plane the same depth as the original windows of the same type. Further, all new double-hung windows will include ogee lugs on the upper stiles to match original double-hung windows.
- D. No more than 50 percent of the original tongue-and-groove wood siding may be replaced without further review.

E. No field changes allowed.

Staff Planner: Amanda Rhoads

Decision rendered by:  **on September 17, 2021**

By authority of the Director of the Bureau of Development Services

Decision mailed: September 21, 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 May 25, 2021, and was determined to be complete on July 19, 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 May 25, 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: November 16, 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 October 5, 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 after **October 5, 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. Applicant Narrative
 - 2. Original Plan Set
 - 3. Original Window Spec Sheets
 - 4. Memo, dated July 9, 2021
 - 5. Updated plans, submitted July 9, 2021
 - 6. Memo, dated July 19, 2021
 - 7. House Photos
 - 8. Renderings and Axonometric Drawings
 - 9. Existing Elevations and Floor Plans
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. East and South Elevations with Window Schedule (attached)
 - 3. West and North Elevations with Window Details (attached)
 - 4. Trim Details
 - 5. Floor Plans
 - 6. Window Specification Sheets
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Bureau of Transportation
 - 3. Water Bureau
 - 4. Fire Bureau
 - 5. Site Development Review Section of BDS
 - 6. Life Safety Plans Examiner
- F. Correspondence:
 - 1. Dean Gisvold, chair of Irvington Community Association Land Use Committee, August 13, 2021, in support with concerns.
- G. Other:
 - 1. Original Land Use Application
 - 2. Incomplete Letter, sent June 22, 2021
 - 3. Historic Site Information
 - 4. Planner Email to Applicant, dated July 13, 2021

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).