

Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:

The applicant seeks Historic Resource Review for alterations to the non-contributing house and garage on the 6,600 square foot lot facing NE Siskiyou Street in the north-west quadrant of the Irvington Historic District.

House alterations include:

- Reorientation of the main entry stairs (located on the east elevation) from an east orientation to a south (street facing) orientation. Alterations will also extend the east gable to create a covered porch. Existing east gable will be extended 5'-6" to the east — maintaining the same slope and north-south dimension as the existing—and be supported by tapered columns with stucco bases to match the residence. The covered porch will have wood decking, stucco sides, and a wood handrail. There are no proposed alterations on the west, north or front elevation (south) of the main residence.

Garage alterations include:

- Removal of the existing 18'-0" x 20'-0" garage to be replaced with a new 22'-0" x 24'-0" garage in the same north-east corner location of the site. The proposed garage will maintain structure for two (2) vehicles and provide a sink for hand washing. Additional ceiling height is required to accommodate a lift. The proposed roof will be will match the slope of the non-contributing house. 8" wood lap siding with 8" cedar shingles at the gable ends are proposed materials. A double-hung wood-clad window is proposed on the west elevation. Proposed doors will be wood construction.

Historic resource review is required for non-exempt alterations to structures within the Irvington Historic District.

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 site is a 66' x 100' lot located in the north-west quadrant of the Irvington Historic District. The site contains two non-contributing resources: a two and one-half story Colonial Revival Style residence and a detached garage. Both, the dwelling and the garage were constructed in 1910.

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 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 no prior land use reviews for this site.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **August 6, 2021**.

1. Bureau of Development Services Site Development: Jason Butler-Brown, August 09, 2021. With no concerns. (Exhibit E-1).
2. Bureau of Transportation: Michael Pina, August 11, 2021. With no objections to approval. (Exhibit E-2).
3. Bureau of Development Services Life Safety/Building Code Section: Chanel Horn, August 23, 2021. With the following comments. (Exhibit E-3).

Separate Building Permits are required for the work proposed and the proposals must be designed to meet all applicable building codes and ordinances. ORSC R105.1

Exterior walls less than three feet to a property line shall be one-hour fire-rated with no openings allowed. Roofs and eaves of houses may project not closer than two feet to a property line. Detached garages accessory to the house and located within 2 feet of a property line are permitted to have roof eave projections not exceeding 4 inches. Eaves less than three feet to a property line must be protected on the underside as required for one-hour fire-rated construction. ORSC R302.1

4. Bureau of Environmental Services: Abigail Cermak, August 25, 2021. With concerns about stormwater management due to not having received a stormwater management plan to review. (Exhibit E-4).

Planner Comment: This issue was resolved: See BES Addendum below (#7).

5. Fire Bureau: Dawn Krantz, August 26, 2021. With no concerns. (Exhibit E-5).
6. Water Bureau: Michael Puckett, August 27, 2021. With no concerns. (Exhibit E-6).

7. Bureau of Environmental Services – Addendum: Abigail Cermak, October 26, 2021. With no concerns. (Exhibit E-7).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on August 6, 2021. A total of three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Joocho Park, community member, with support for the proposal. August 17, 2021. Exhibit F-1.
2. Irvington Community Association, Dean Gisvold, Chair of Land Use Committee, with support for the proposal but with comments on the proposed use of shake siding not being consistent with siding on the primary structure: August 27, 2021. Exhibit F-2.
3. Sabin Community Association Board, Rachel Lee, Chair of Land Use and Transportation Committee, with support for the proposal: August 27, 2021. Exhibit F-3.

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.

7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

9. Preserve the form and integrity of historic resources. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

Findings for 1, 2, 3, 4, 5, 7, 8, 9, and 10: The two existing structures on site, the residence, and the garage, are both non-contributing resources in the Irvington Historic District. Proposed alterations to both will not be significantly different from the current conditions: the existing main entrance off the east (side) elevation of the primary resource will be reoriented ninety degrees to the south and made slightly larger – providing a more obvious visual and physical main entry to the residence; the proposed garage will have a larger footprint than existing with a gable roof (rather than a flat roof) – providing additional vehicle area and storage.

Specific alterations to the primary resource main entry reduces the width of the entry steps (from 11' to 8'), re-orient access from the east to the south (street facing), and enlarges the porch area landing (from approximately 4' x 11' to approximately 8' x 10'-4"). The enlarged new entry roof's pitch, peak height and location, and architectural detailing will match existing conditions. Existing wood corbels will remain and be maintained. Two new square columns consistent with the building architecture will be added to support the additional entry roof. Materials will be consistent with those on the non-contributing resource: Stucco will be used on the base, and the gable end infill will match existing shingle material and pattern. The existing main entry door and windows will not be altered or impacted with the proposed development.

The proposed garage, although approximately 50 percent larger than the existing garage to be removed (existing: 18' x 20', proposed: 22' x 24') is both consistent and architecturally compatible with the existing primary non-contributing resource. Regarding specific architectural details: the garage matches the primary resource's roof pitch, wood door (scale, dimension and style), wood windows (scale, dimension, style and inset) and trim. The garage is differentiated from the primary resource in that it will be clad with wood lap siding (8" exposure), which is similar to the siding on the existing garage. Wood shingles (8" exposure) are proposed for the gable ends. Both the new person door on the west elevation and the new vehicle door on the south elevation will be wood construction.

The historic character and organization of the property will be retained and preserved in that the new garage will be located in the same north-east corner of the site, behind the primary resource, as the existing garage to be removed, maintaining the garage's secondary building status and continued deference to the primary structure on site.

Collectively, the proposed project will allow the historic character of the site to be retained while allowing the property to modernize to meet the needs of the current occupants. The integrity of the primary resource will be preserved with the proposed alterations, and the

house will remain a physical record of its time, place and use and the project will not alter any changes made over time that have acquired historic significance. Conjectural features or architectural elements from other buildings that create a false sense of historical development will not be added. If the new features were to be removed in the future, the form and integrity of the building would remain intact. The proposed alterations respect the original character and design of the subject house and will not adversely impact the character defining features of the property.

This proposal is compatible and complimentary to this site, the adjacent properties and the neighborhood at large. The proposed alterations will not negatively impact the non-contributing resource on site, adjacent neighbors or the Irvington Historic District as a whole.

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: Because the proposal includes excavation of previously undisturbed soil, there is increased potential that archaeological resources could be impacted.

With a condition of approval that, in the event of any archaeological discovery, work will be stopped, and the State Archaeologist will be notified, this criterion is 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 to the primary non-contributing resource on site and the proposed new garage maintains the historic integrity and architectural character of the site.

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. As indicated in detail in the findings above, this proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Historic Resource Review approval of a main entry alterations on the primary resource and a new detached accessory structure (garage) in the location of the existing non-contributing garage to be demolished on the site in the Irvington Historic District.

Approval, per the approved site plans, Exhibits C-1 through C-11, signed and dated October 28, 2021, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through D) 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 21-056031 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. In the event of any archaeological discovery, work will be stopped, and the State Archaeologist will be notified, this criterion is met.
- D. NO FIELD CHANGES ALLOWED.

Staff Planner: Arthur Graves



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

Decision mailed: November 03, 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 June 10, 2021, and was determined to be complete on August 3, 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 June 10, 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 requested that the 120-day review period be extended by 60 days (Exhibit A-4). Unless further extended by the applicant, **the 120 days will expire on: January 30, 2022.**

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 November 17, 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 **November 18, 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 Submittal
 1. Initial Submittal: 06.10.2021
 2. Revised Drawings: 07.18.2021
 3. Revised Drawings: 08.02.2021
 4. Waiver: 09.22.2021
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Elevation - House: South (attached)
 3. Elevation - House: East (attached)
 4. Elevation - House: North
 5. Elevations - House: Summary of Details
 6. Elevation/Details: House Main Entry
 7. Elevation/Details: House Main Entry
 8. Elevation: House Entry Drainage Details
 9. Elevation - Garage: South and West (attached)
 10. Elevation - Garage: East and North
 11. Manufactures Cut Sheets
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Bureau of Development Services- Site Development: Jason Butler-Brown, August 09, 2021.
 2. Bureau of Transportation: Michael Pina, August 11, 2021.
 3. Bureau of Development Services Life Safety/Building Code Section: Chanel Horn, August 23, 2021.
 4. Bureau of Environmental Services: Abigail Cermak, August 25, 2021.
 5. Fire Bureau: Dawn Krantz, August 26, 2021.
 6. Water Bureau: Michael Puckett, August 27, 2021.
 7. Bureau of Environmental Services - Addendum: Abigail Cermak, October 26, 2021.
- F. Correspondence:
 1. Joooho Park: August 17, 2021.
 2. Irvington Community Association, Dean Gisvold, Chair of Land Use Committee: August 27, 2021.
 3. Sabin Community Association Board, Rachel Lee, Chair of Land Use and Transportation Committee, August 27, 2021.
- G. Other:
 1. Original LU Application
 2. Incomplete Letter: June 25, 2021
 3. Historic information
 4. Sanborn Maps

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).