



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

Dan Ryan, Commissioner
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www.portland.gov/bds

Date: December 09, 2021
To: Interested Person
From: Arthur Graves, Land Use Services
503.865.6517 | Arthur.Graves@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 21-092035 HR: EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Spencer Kroll | Bowline Studio
15323 Keasey Rd | Vernonia, OR 97064
info@bowlinestudio.com | 248.425.4358

Owners: Lindsey and Pouria Bastani
2615 NE 23rd Ave | Portland, OR 97212

Site Address: 2615 NE 23rd Avenue

Legal Description: BLOCK 10 S 10' OF LOT 3 LOT 4, IRVINGTON
Tax Account No.: R420401960
State ID No.: 1N1E26AD 16700
Quarter Section: 2732
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 info@necoalition.org
Plan District: NONE
Other Designations: Contributing Resource (both the house and garage) in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.

Zoning: R5: Residential 5,000 with Historic Resource Overlay
Case Type: HR: Historic Resource Review
Procedure: Type II, an administrative decision with appeal to the Landmarks Commission.

Proposal:
The applicant seeks Historic Resource Review for alterations to the 1912 contributing house (historically known as the T.H. Johnson House), contributing garage, and site on the 6,000 square foot lot in the south-east quadrant of the Irvington Historic District.

House alterations include:

- Removal and replacement of existing rear (west) elevation attached exterior deck (cedar);
- New rear elevation canopy (standing seam metal);
- There are no proposed alterations on the north, south, or east (street facing) elevation of the main residence.

Garage alterations include:

- Installation of a man-door on the north elevation, trim to match existing.

Site alterations include:

- New back-yard timber pavilion-structure (approximately 14'x17');
- New 7-foot cedar fence;
- New wood A.C. fence enclosure.

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 house is a single-family, two and a half-story Craftsman with horizontal board siding built in 1912. Its historic name is the *T H Johnston House* and it is a contributing resource in the Irvington Historic District. The house sits up and back from the street on a 6,000 SF lot facing east onto NE 23rd Ave, elevated on a site that slopes down from the house to the sidewalk. It is currently clad in aluminum siding that is not original to the house. The existing garage is also 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 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 one prior land use review for this site:

- **LU 19-125099 HR:** Historic Resource Review approval to relocate a basement stair door on the west (rear) façade of a contributing resource in the Irvington Historic District. The project includes excavation for a new below grade concrete stair to accompany the lower placement of the basement door. The existing door and trim will be reused in the new location or matched with a new painted wood door and trim if too deteriorated to be successfully relocated.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **November 3, 2021**.

1. Bureau of Development Services- Site Development: Jason Butler-Brown, November 08, 2021. With no concerns. (Exhibit E-1).
2. Bureau of Transportation: Michael Pina, November 16, 2021. With no concerns. (Exhibit E-2).
3. Water Bureau: Michael Puckett, November 18, 2021. With no concerns. (Exhibit E-3).
4. Bureau of Development Services Life Safety/Building Code Section: Sloan Shelton, November 19, 2021. With the following comments. (Exhibit E-4).

A separate Building Permit is required for the work proposed and the proposal must be designed to meet all applicable building codes and ordinances. Building Code information is available online at: <http://www.portlandonline.com/bds/>, or by calling (503) 823-1456.

2

The construction as proposed will not meet prescriptive lateral design requirements. A lateral design analysis by an Architect or Engineer licensed in Oregon and based on the Oregon Structural Specialty Code is required. ORSC R104.11 and R301.2.2.2.2.

Planner Comment: The applicant responded to staff that Life Safety comments would not affect any aspect of the design within the Historic Resource Review.

5. Fire Bureau: Dawn Krantz, November 23, 2021. With no concerns. (Exhibit E-5).
6. Bureau of Environmental Services: Rosa Lehman, November 24, 2021. With no concerns. (Exhibit E-6).

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on November 3, 2021. No written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

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:

All proposed alterations are in the back of the property, fully enclosed, and not visible from the right-of-way. Alterations to the structures will not unnecessarily remove or cause damage to previous historic changes that have been made and require preservation. Alterations are for the adaptive reuse of the buildings and site and are largely limited to creating a more active and accessible rear yard area. The proposed alterations will not damage or negatively affect the historic character of either contributing resource:

- The proposed new rear standing seam metal canopy provides missing weather protection and a transition from the interior to exterior spaces, does not alter or damage existing historic features, is not conjectural to the existing historic character of the building, and could be removed in the future with no impact to the resource;
- The existing deck is not original to the historic resource and the removal and replacement with a more compact and appropriately scaled wood deck provides additional area for landscaping, backyard programming, and light to existing basement windows;

- The proposed door to be added to the north elevation of the contributing garage will match existing exterior doors on the primary contributing resource (the house) and match trim detailing on the garage.

The proposed pavilion structure is not attached to either contributing resource and so will not impact the historic integrity or character of either. The pavilion is a simple timber structure, fully open, with standing seam metal shed roof (matching the proposed canopy to be added to the primary resource) that will clearly read as a secondary feature to the two contributing resources on site.

Historic materials will be protected and no chemical or physical treatments, such as sandblasting, that cause damage to historic materials will be used.

Therefore, 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 the excavation of possible 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.

- 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:

No changes are being proposed that will affect either contributing building's (house or garage) overall form, mass, or building footprint. Existing materials on both resources will remain and, other than the attachment of the proposed canopy to the house, and new door to the garage, not impact either resource. The proposed back porch roof and detached pavilion will be distinguished from the existing house by the simple post and beam structure and metal standing seam metal shed roof. These additions will relate to the existing historic structures through wood materials, paint color, post base trim and exposed rafter tails. The proposed fence design and A.C. unit enclosure will be distinguished through the use of natural cedar wood and a simple, vertical slat construction that will blend into the plantings surrounding the home. The proposed entry door into the garage is consistent with the historic character of the garage and home with the single panel, half lite design, and matching trim.

The proposed addition of the back porch, detached pavilion, replacement fence and garage entry door are designed to be compatible with the historic house resource through scale, materiality and form. In addition, the simple design and scale of these features helps them to clearly read as secondary and non-competing next to the existing contributing resources on site.

These measures and the attention to detail ensure that the proposed alterations will not detract from the contributing resources on the site. Collectively, this proposal is compatible and complimentary to this site, the adjacent properties and the neighborhood at large. The proposed alterations to the site will not negatively impact the contributing resource on site, adjacent neighbors or the Irvington Historic District as a whole.

Therefore 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 to the primary contributing resource, contributing garage, and site maintain 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 proposed alterations to the primary contributing resource, contributing garage, and site in the Irvington Historic District.

Approval of proposed exterior alterations, per the approved site plans, Exhibits C-1 through C-11, signed and dated December 06, 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 21-092035 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 December 06, 2021.**
By authority of the Director of the Bureau of Development Services

Decision mailed December 09, 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 October 1, 2021 and was determined to be complete on October 29, 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 October 1, 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: February 26, 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 December 23, 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 **December 27, 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:

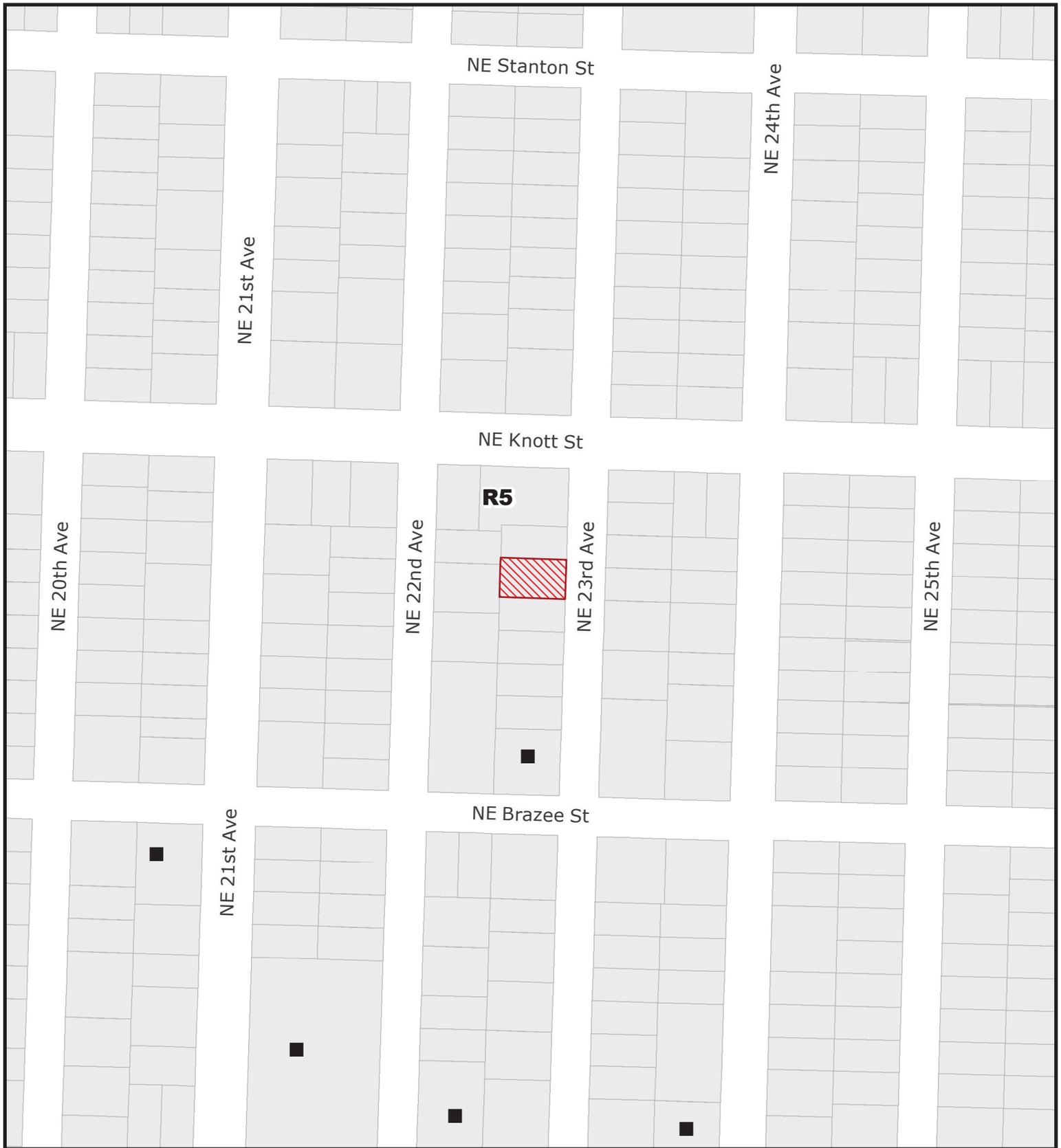
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Initial Submittal: 10.05.2021
 - 2. Revised drawings: 12.06.2021
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Enlarged Site Plan (attached)
 - 3. Porch and Pavilion Roof Plan
 - 4. Elevations – Pavilion, House (west), Garage (north) (attached)
 - 5. Elevations - House (north), Deck (south)
 - 6. Elevations – House (east)
 - 7. Elevations – House (south)
 - 8. Sections - Pavilion
 - 9. Details – Pavilion, deck, canopy
 - 10. Details - Fence
 - 11. Product Specifications
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Development Services- Site Development: Jason Butler-Brown, November 08, 2021.
 - 2. Bureau of Transportation: Michael Pina, November 16, 2021.
 - 3. Water Bureau: Michael Puckett, November 18, 2021.
 - 4. Bureau of Development Services Life Safety/Building Code Section: Sloan Shelton, November 19, 2021.
 - 5. Fire Bureau: Dawn Krantz, November 23, 2021.
 - 6. Bureau of Environmental Services: Rosa Lehman, November 24, 2021.
- F. Correspondence: No Community Correspondences were Received
- G. Other:
 - 1. Original LU Application
 - 2. Historic information

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



For Zoning Code in effect Post August 1, 2021



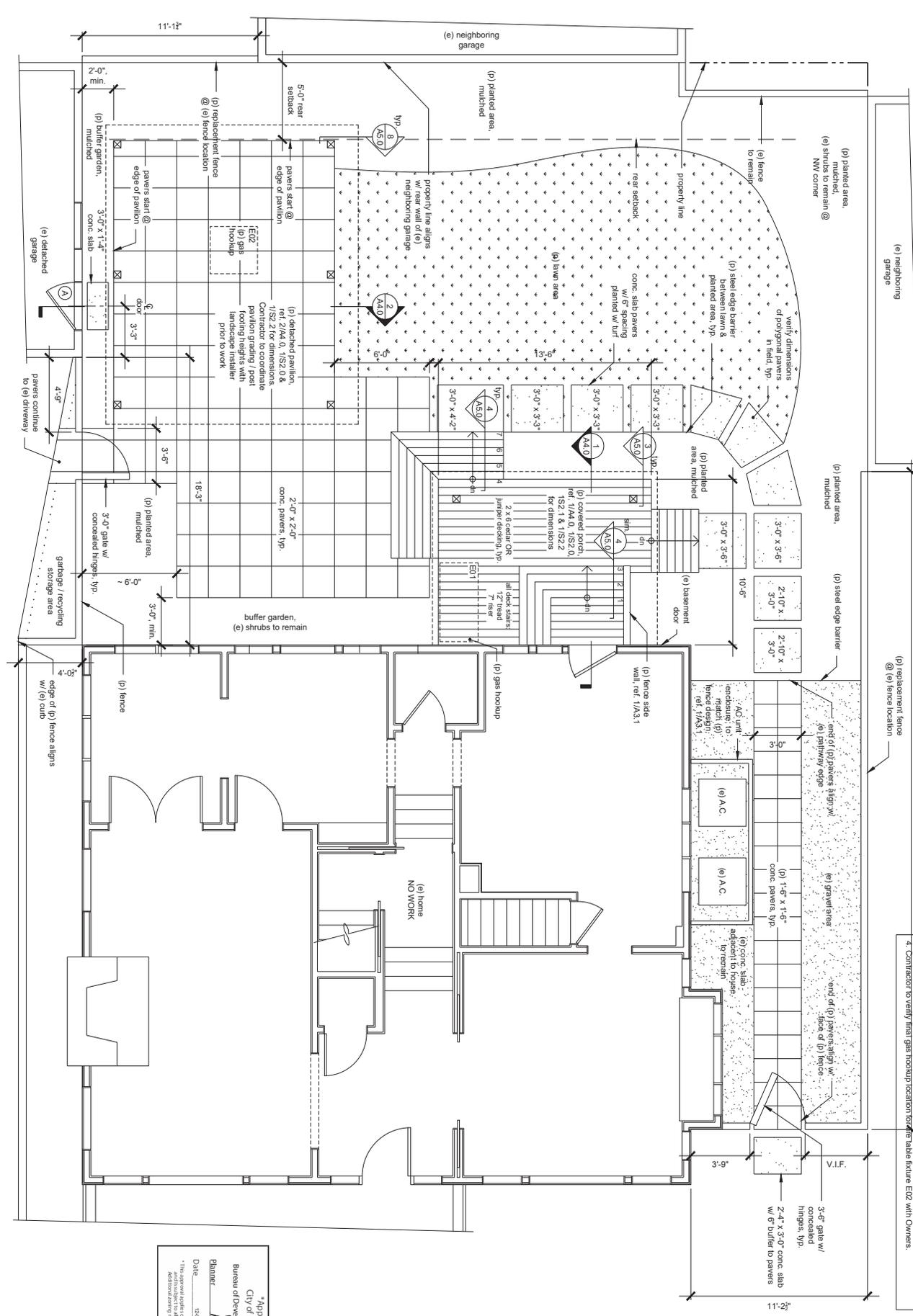
Site



Historic Landmark

THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

File No.	LU 21 - 092035 HR
1/4 Section	2732
Scale	1 inch = 200 feet
State ID	1N1E26AD 16700
Exhibit	B Oct 01, 2021



- A2.0 notes**
1. Exterior dimensions to face of framing and face of concrete.
 2. Contractor shall verify all conditions prior to initiating work. Notify the Architect if any discrepancies exist.
 3. Do not scale dimensions from drawings. Use calculated dimensions only. Notify the Architect if any discrepancies exist.
 4. Contractor to verify final gas hookup location on the table fixture E02 with Owners.

BOWLINE STUDIO
 15323 Keassey Rd
 Vancouver, OR
 97064
 T. 248.426.4338
 info@bowlinedesign.com

BASTANI BACKYARD DESIGN
 2615 NE 23RD Ave.
 Portland, OR 97212

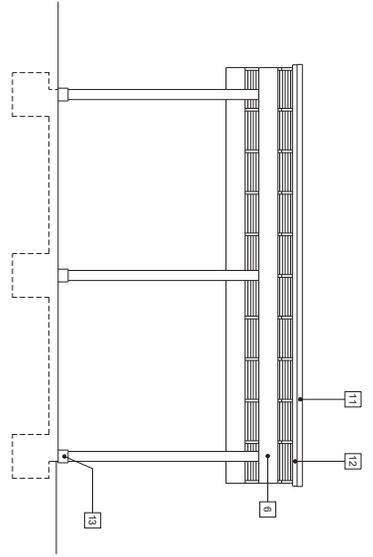
Approver
 City of Portland
 Bureau of Development Services
 Planner
 Date: 1/26/2021
 *This approval is valid only for the use and location specified and is subject to all conditions of approval. Additional zoning requirements may apply.

PROJECT NO.: 21006
 ISSUE: Permit
 DATE: October 6, 2021
 REVISION:

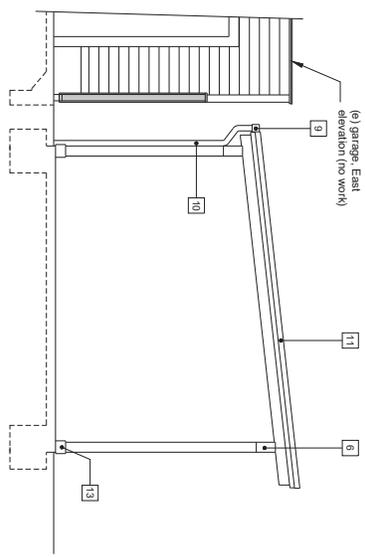
backyard architectural plan
 1/4" = 1'-0"

A2.0

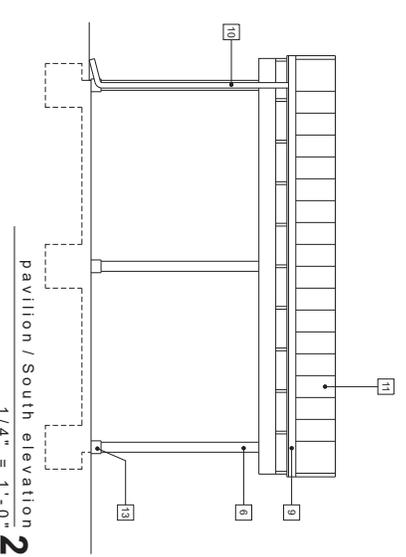
LU 21-092035 HR
 EXHIBIT C-2



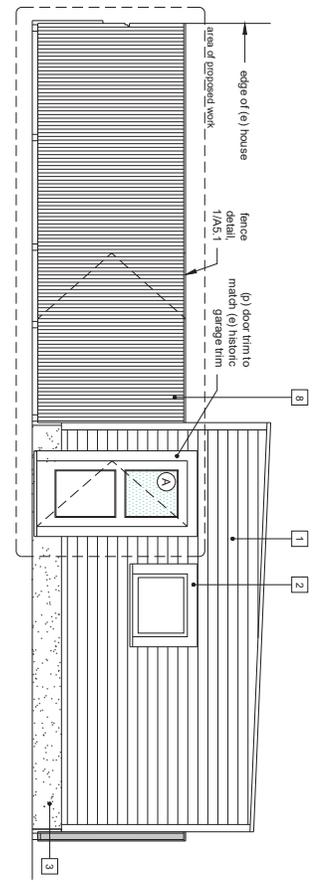
pavilion / North elevation **4**
1/4" = 1'-0"



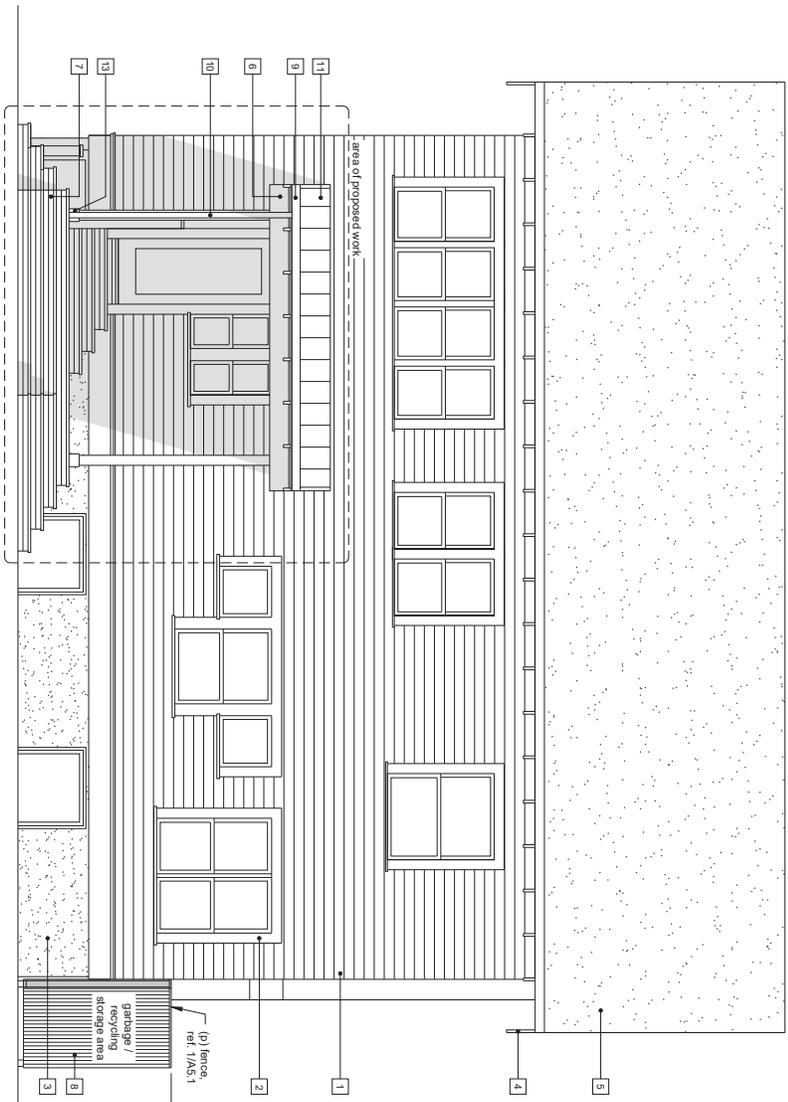
pavilion / East elevation **3**
1/4" = 1'-0"



pavilion / South elevation **2**
1/4" = 1'-0"



garage / North elevation **5**
1/4" = 1'-0"



proposed West elevation **1**
1/4" = 1'-0"

material key

- 1 (e) painted lap siding
- 2 (e) house trim
- 3 (e) sisuoo base
- 4 (e) roof rafters
- 5 (e) composition roofing
- 6 exposed, painted timbers
- 7 natural finish cedar decking
- 8 natural finish cedar fence
- 9 base gutter to match (e) house
- 10 downspout, to match gutter
- 11 standing seam metal roof
- 12 painted 2x fascia
- 13 painted 1 x 6 base
- 14 (e) masonry chimney

A3.0 notes

1. Exterior dimensions to face of framing.
2. Contractor shall verify all conditions prior to initiating work. Notify the Architect if any discrepancies exist.
3. Do not scale dimensions from drawings. Use calculated dimensions only. Notify the Architect if any discrepancies exist.
4. No (e) house doors, windows, siding or trim to be altered or removed during (p) work.

BOWLINE STUDIO
15323 Kasey Rd
Vernonia, OR
97064
T. 248.425.4358
info@bowlinedo.com

BASTANI BACKYARD DESIGN

2615 NE 23RD Ave.
Portland, OR 97212

Approved
City of Portland
Bureau of Development Services
Banner
Date: 12/06/2021
This approval is only for the permit record and does not constitute a final approval. Additional zoning requirements apply.

PROJECT NO: 21006
ISSUE: Permit
DATE: Oct. 1, 2021
REVISION:

A3.0

LU 21-092035 HR
EXHIBIT C-4

LU 21-092035 HR