



**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](http://www.portland.gov/bds)

**Date:** May 3, 2022  
**To:** Interested Person  
**From:** Megan Sita Walker, Land Use Services  
503-865-6515 / [MeganSita.Walker@portlandoregon.gov](mailto:MeganSita.Walker@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 22-119996 HR – FRONT, SIDE & REAR ALTERATIONS**

**GENERAL INFORMATION**

**Applicant/ Owner:** Brenda Baumgart and Brian Cratsenberg  
3129 NE 11th Ave  
Portland, OR 97212  
503-318-5634

**Site Address:** 3129 NE 11TH AVE

**Legal Description:** BLOCK 97 LOT 8, IRVINGTON  
**Tax Account No.:** R420421900  
**State ID No.:** 1N1E26BA 08900  
**Quarter Section:** 2731

**Neighborhood:** Irvington, contact Dean Gisvold at [deang@mcewengisvold.com](mailto:deang@mcewengisvold.com)  
**Business District:** Soul District Business Association, contact at [Info@nnebaportland.org](mailto:Info@nnebaportland.org)  
**District Coalition:** Northeast Coalition of Neighborhoods, contact at [info@necoalition.org](mailto:info@necoalition.org)

**Plan District:** None  
**Other Designations:** Contributing resource in the Irvington Historic District

**Zoning:** R5 – Residential 5,000 with the Historic Resource Protection Overlay

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

**Proposal:**  
The applicant requests Historic Resource Review approval for alterations to the North (side) and West (rear) Elevations of a contributing resource in the Irvington Historic District associated with a kitchen and bath remodel to include the following:

*On the East (Front) Elevation*

- Removal of one (1) door within an existing bump out to be infilled with wood siding to match the existing/original condition.

*On the North (side) Elevation*

- Removal of three (3) windows to be replaced with two (2) wood windows.

*On the West (rear) Elevation*

- Removal of three (3) windows and one (1) door to be replaced with one (1) wood window and a pair of wood French doors, and the extension of an existing shed roof with bracket details matching the existing condition; and
- Installation of a small rear deck with wood railings.

Historic resource review is required because the proposal includes non-exempt exterior alterations in the Irvington Historic District.

**Relevant Approval Criteria:**

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

- 33.846.060.G *Other approval criteria*

**ANALYSIS**

**Site and Vicinity:** The subject property is located on an approximately 5,000 square foot lot fronting onto NE 11th Avenue in the Irvington Historic District. The existing 3-story Craftsman style resource was built in 1911 and is listed as a contributing resource in the Irvington Historic District.

Platted in the late Nineteenth Century, today's Irvington Historic District 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:** This property is zoned R5. The Residential 5,000 high-density 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. The R5 zone allows attached and detached single-dwelling structures and duplexes. 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 living unit 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 that prior land use reviews include the following:

- LU 15-215096 HR – Historic Resource Review approval for the replacement of exiting wooden front stairs with poured in place concrete stairs.
- LU 19-229149 HR – Historic Resource Review approval for the replacement of attic windows.

**Agency Review:** A Notice of Proposal in your Neighborhood was mailed on **January 24, 2022**. The following Bureaus have responded with no issues or concerns:

1. Life safety Division of BDS (See Exhibit E-1)
2. Site Development Section of BDS (See Exhibit E-2)
3. Fire Bureau (See Exhibit E-3)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **January 24, 2022**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Nick Fox, on April 1, 2022, wrote in in support of the proposed alterations. See Exhibit F-1 for more information.

## **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.
- 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, 7, 8, 9 and 10:** The proposal includes the removal of four (4) seemingly original windows on side (north) and rear (west) elevations of the resource. The impact to historic material is limited and will not be visible from adjacent rights-of-way. As such, the proposed alterations will not impact the ability of the resource to remain a physical record of its time, place, and use, and continues to preserve the integrity of the resource.

The proposed replacement windows and doors are all-wood windows and doors with wood trim details that match the existing/ original conditions in terms of scale, profile, and material. Where doors and windows are removed or where the replacement window or door does not match the original placement, infill siding is proposed. The infill siding consists of cedar siding with a 4-1/4" reveal to match the existing/ original condition.

The proposal also includes the installation of a rear deck with wood railing. An existing shed roof on an existing bump out is also proposed to be extended along the rear (west) elevation to provide cover for the proposed new French doors. The rafter tails and brackets on the proposed shed roof extension are designed to match the existing rafter tails.

The proposed all-wood doors and all-wood windows will be set into the wall plane to ensure adequate relief from the surrounding casing and the exterior face of cladding. This allows the proposed detailing to produce shadow lines consistent with the original detailing of the resource and the District as a whole. While the detailing of the proposal is designed to relate to the historic detailing of the resource, the proposed alterations will be differentiated from the resource through the use of contemporary materials and construction methods. The limited impact to historic material, the use of all-wood elements, and the proposed detailing ensure that the proposal is architecturally compatible with the resource, and the District.

*These criteria are therefore 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 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 approval criteria and therefore warrants approval.

## **ADMINISTRATIVE DECISION**

Historic Resource Review approval for exterior alterations to a contributing resource in the Irvington Historic District to include the following:

*On the East (Front) Elevation*

- Removal of one (1) door within an existing bump out to be infilled with wood siding to match the existing/original condition.

*On the North (side) Elevation*

- Removal of three (3) windows to be replaced with two (2) wood windows.

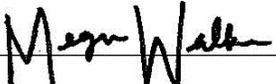
*On the West (rear) Elevation*

- Removal of three (3) windows and one (1) door to be replaced with one (1) wood window and a pair of wood French doors, and the extension of an existing shed roof with bracket details matching the existing condition; and
- Installation of a small rear deck with wood railings.

Approved per site plans, Exhibits C-1 through C-10, signed and dated April 28, 2022, subject to the following conditions:

- 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 22-119996 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- 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.
- No field changes allowed.

**Staff Planner: Megan Sita Walker**

**Decision rendered by:** \_\_\_\_\_  \_\_\_\_\_ **on April 28, 2022**

By authority of the Director of the Bureau of Development Services

**Decision mailed: May 3, 2022**

**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 March 7, 2022, and was determined to be complete on March 24, 2022.

*Zoning Code Section 33.700.080* states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on March 7, 2022.

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 extended by the applicant, **the 120 days will expire on: July 22, 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 May 17, 2022. The completed appeal application form must be emailed to [LandUseIntake@portlandoregon.gov](mailto: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 **May 17, 2022** 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 Project Description and Response to Approval Criteria
  - 2. Original Packet – Plans
  - 3. Emails with the Irvington Community Association
  - 4. Updated Drawings, Rec'd April 6, 2022
  - 5. Updated Drawings, Rec'd April 11, 2022
  - 6. Updated Drawings - Specifications, Rec'd April 28, 2022
  - 7. Updated Drawings - Specifications, Rec'd April 28, 2022
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Existing & Proposed North Elevations (attached)
  - 3. Existing & Proposed East Elevations (attached)
  - 4. Existing & Proposed South Elevations (attached)
  - 5. Existing & Proposed West Elevations (attached)
  - 6. Existing & Proposed Section Details – Windows and Doors
  - 7. Enlarged Elevations and Plan View – Rear Deck
  - 8. Section Details – Windows and Doors
  - 9. Specifications
  - 10. Specifications
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Life safety Division of BDS
  - 2. Site Development Section of BDS
  - 3. Fire Bureau
- F. Correspondence:
  - 1. Nick Fox, on April 1, 2022, wrote in in support of the proposal.
- G. Other:
  - 1. Original LU Application
  - 2. Email Correspondence between staff and the applicant

**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).**