



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

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

Date: July 25, 2022
To: Interested Person
From: Benjamin Nielsen, Land Use Services
503-865-6519 / Benjamin.Nielsen@portlandoregon.gov

NOTICE OF A TYPE Ix 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 22-143560 HR **FRONT PORCH STEPS AND PERGOLA**

GENERAL INFORMATION

Applicant/ Representative: Alison Friedman
3040 NE 17th Ave, Portland, OR 97212
(206) 399-6349, alisonhollingshead@gmail.com

Owners: Alison Friedman & Joshua J. Friedman
3040 NE 17th Ave, Portland, OR 97212

Site Address: 3040 NE 17TH AVE

Legal Description: BLOCK 45 N 20' OF LOT 19 LOT 20, IRVINGTON
Tax Account No.: R420409810
State ID No.: 1N1E26AB 19700
Quarter Section: 2732

Neighborhood: Irvington, contact Tony Greiner at tony_greiner@hotmail.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: Eligible Contributing Resource in the Irvington Historic District

Zoning: R5 – Residential 5,000 with Historic Resource Overlay
Case Type: HR – Historic Resource Review
Procedure: Type Ix – an administrative decision with appeal to the Oregon Land Use Board of Appeals (LUBA).

Proposal:

The applicant requests Historic Resource Review approval to replace the existing front porch steps and upper landing, which was not constructed with appropriate footings and has caused structural damage to the house, with new concrete steps and upper landing. Dimensions of the new porch steps and landing will be the same as existing, and the roof and supporting columns will remain as is.

The applicant also requests Historic Resource Review to build a new 12'-0" x 8'-0" by 8'-0" tall wood pergola structure in the site's backyard.

Additional alterations to the site's landscape are proposed, but these other alterations are exempt from Historic Resource Review.

Historic Resource Review is required for not-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 approval criteria are:

- Portland Zoning Code 33.846.060.G, Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject site contains a 2.5-story tall, contributing historic Colonial Revival house in the Irvington Historic District. The house is set on a larger-than-average sized lot, at 7,000 square feet. A contributing garage lies in the far southeast corner of the site. The front elevation of the house faces NE 17th Ave and is symmetrical about a central porch entry. No dormers face the front. An offset cross gable extends from its rear elevation at the south side of the house. The house is setback approximately 25 feet from NE 17th Ave, but only approximately 10 feet from NE Siskiyou St.

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 overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **June 10, 2022**. The following Bureaus have responded with no issues or concerns about the proposal:

- Bureau of Environmental Services
- Bureau of Transportation Engineering
- Water Bureau
- Fire Bureau
- Site Development Section of BDS

The Life Safety Review Section of BDS responded with no objections and with general life safety comments. Please see Exhibit E.1 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **June 10, 2022**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- 1) Tony Greiner, Chair, Irvington Neighborhood Association Land Use Committee, 07/10/2022. Letter citing no objections.

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 Historic Approval Criteria

- 1. Historic character.** The historic character of the landmark or contributing resource will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the historic significance of the landmark or contributing resource will be avoided.
- 2. Record of its time.** The landmark or contributing 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 resources 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 historic feature 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.

Findings for 1, 2, 3, & 4: The brick steps and landing of the existing porch are not identified as character defining features or materials of the existing contributing house or the larger district. Construction of the new porch to match the existing porch's dimensions will help to ensure that its relationship to the house will remain essentially the same.

The proposed pergola structure is detached from the existing contributing house and garage and will not impact either structure.

Neither alteration will create a false sense of historic development, and no changes that have acquired historic significance will be removed or destroyed.

Therefore, these criteria are met.

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: No significant historic materials will be damaged by the proposal, and replacement of the existing porch will help to ensure the longevity of the greater structure.

Therefore, this criterion is 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: The proposal will have minimal to no new subsurface impact around the existing front porch, and the foundation and patio for the new pergola are relatively small. Therefore, it is unlikely that any significant archaeological resources will be affected. No significant archaeological resources are currently known to be at the site.

Therefore, 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 landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the character, features, materials, form, or integrity of the landmark or contributing resource and, if in a Historic District, the district as a whole.

8. Architectural compatibility. New additions, exterior alterations, or new construction will be compatible with the massing, size, scale, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole. When retrofitting to improve accessibility for persons with disabilities or accommodate seismic improvements, design solutions will not compromise the architectural integrity of the landmark or contributing resource.

10. Hierarchy of compatibility. New additions, exterior alterations, or new construction will be designed to be compatible primarily with the landmark or contributing resource and, if located within a district, secondarily with contributing resources within 200 feet and, finally, with the rest of the district. Where practical, compatibility in districts will be pursued on all three levels.

Findings for 7, 8, & 10: The existing brick steps and landing of the existing porch are not identified as character defining features or materials of the existing contributing house or the larger district. Construction of the new porch steps and landing to match the existing porch's dimensions will help to ensure that its relationship to the house will remain essentially the same, and that the porch is architecturally compatible with the existing historic Colonial Revival house and the district as a whole.

The proposed wood pergola will not destroy any historic materials that characterize the house or garage. While distinct in its form and use, the pergola is an appropriately-scaled and simply-detailed accessory garden/backyard structure that is compatible with the scale and architectural design of the existing Colonial Revival house and the district as a whole.

Therefore, these criteria are met.

9. Preserve the form and integrity of historic resources. New additions, exterior alterations, or new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the landmark or contributing resource and, if in a district, the district as a whole would be unimpaired.

Findings: The proposed replacement front porch could be removed in the future in the same way as the existing porch is proposed to be removed, and the essential form and integrity of the contributing house (and district as a whole) would be unimpaired.

The proposed pergola is detached from both the contributing house and garage and could be easily removed without damaging either structure.

Therefore, 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 requirements of Title 11 can be met, and 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

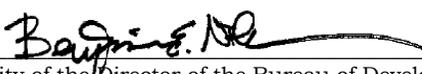
The purpose of the Historic Resource Review process is to ensure that additions, new construction, and exterior alterations to historic resources do not compromise their ability to convey historic significance. This proposal meets the applicable Historic Resource Review criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval to replace the existing front porch steps and upper landing with new concrete steps and upper landing, and approval for a proposed wood pergola structure, per the approved site plans, Exhibits C.1 through C.4, signed and dated 07/21/2022, subject to the following conditions:

- A. As part of the building permit application submittal, the following development-related conditions (B through C) must be noted on each of the four 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 22-143560 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Benjamin Nielsen

Decision rendered by:  **on July 21, 2022.**
By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) July 25, 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 May 17, 2022, and was determined to be complete on June 2, 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 May 17, 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 further extended by the applicant, **the 120 days will expire on: September 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.

This decision, and any conditions associated with it, is final. It may be appealed to the Oregon Land Use Board of Appeals (LUBA), within 21 days of the date the decision is mailed, as specified in the Oregon Revised Statute (ORS) 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA must have submitted written testimony during the comment period for this land use review. Contact LUBA at 775 Summer St NE Suite 330, Salem, OR 97301-1283 or phone 1-503-373-1265 for further information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

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 **July 25, 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:

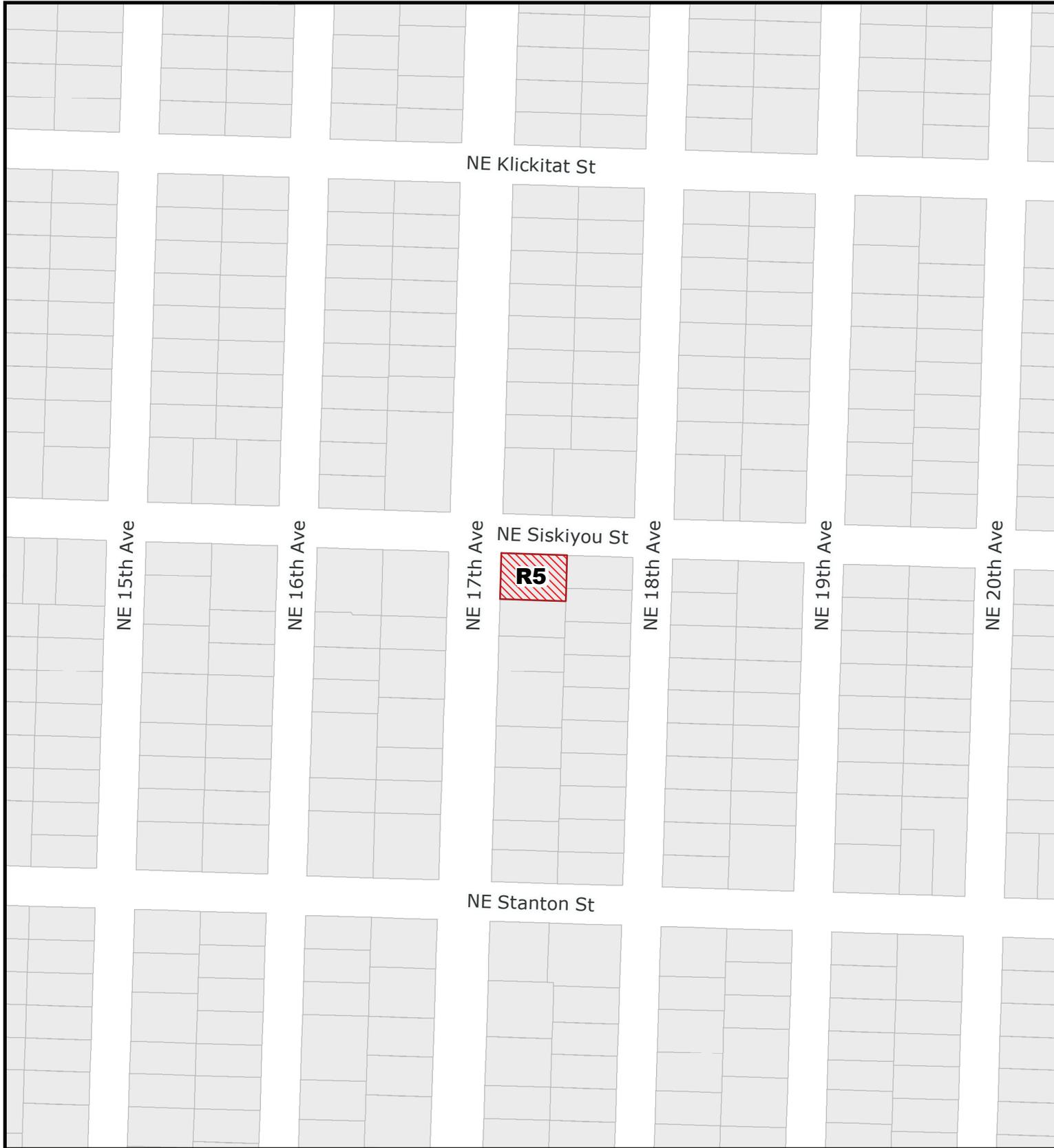
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 1. Site Plan & Front Elevation
 2. Photos
 3. Front Porch Photo
 4. Site Plan & Pergola Drawings
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Site Plan (attached)
 2. Front Elevation
 3. Pergola Plan & Elevation (attached)
 4. Pergola Section
- D. Notification information:
 1. Mailing list
 2. Mailed notice
- E. Agency Responses:
 1. Life Safety Review Section of BDS
- F. Correspondence:
 1. Tony Greiner, 07/10/2022, letter citing no objections
- G. Other:
 1. Original LU Application
 2. Incomplete Application Letter
 3. All email correspondence

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).



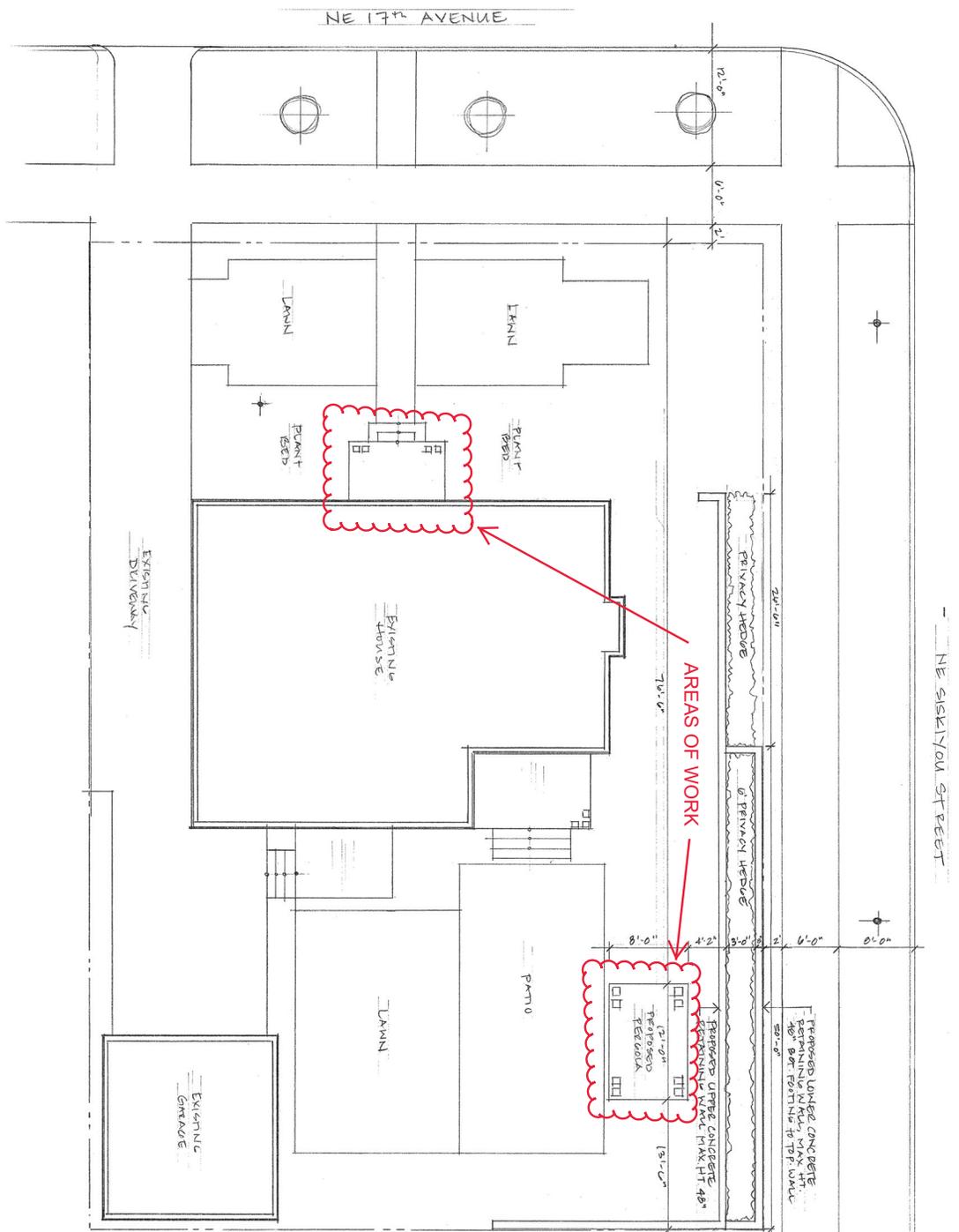
ZONING

NORTH

For Zoning Code in effect Post August 1, 2021

THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

File No.	<u>LU 22 - 143560 HR</u>
1/4 Section	<u>2732</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E26AB 19700</u>
Exhibit	<u>B</u> <u>May 17, 2022</u>



AREAS OF WORK

PROJECT DATA

PROJECT ADDRESS
3040 NE 17th Avenue
Portland, OR 97212

OWNER

Josh and Alison Friedman

LANDSCAPE ARCHITECT

Bethany Rydmark :: Landscapes
11724 NE Knott Street
Portland, OR 97220
503.931.18056 bethanyrydmark@gmail.com

CONTRACTOR

Sean MacNeele
Corrid Construction
macneel@corrid.com
503.317.9988

LEGAL DESCRIPTION

IRVINGTON BLOCK 45, N 20 OF LOT 19, LOT 20
Property ID: R189271
State ID: INE2648-119700

ZONING

R9

SETBACKS PER 33.110 TABLE 110-3

FRONT: 10'
SIDE: 5'
REAR: 5'
GARAGE: 18'

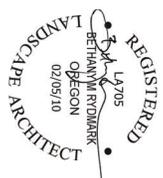
TREES

No trees 6" and larger:

APPROVED BY
Bureau of Development Services
Date: 07/21/2022
*This approval applies only to the review requested and is subject to all conditions of approval. Additional drawings or information may be required.

bethany rydmark
LANDSCAPES

bethanyrydmark@gmail.com
bethanyrydmark.com
503.931.18056



FRIEDMAN RESIDENCE
3040 NE 17th Avenue
Portland, OR 97212

REVISIONS
May 26, 2022

SCALE
1/8" = 1'-0"

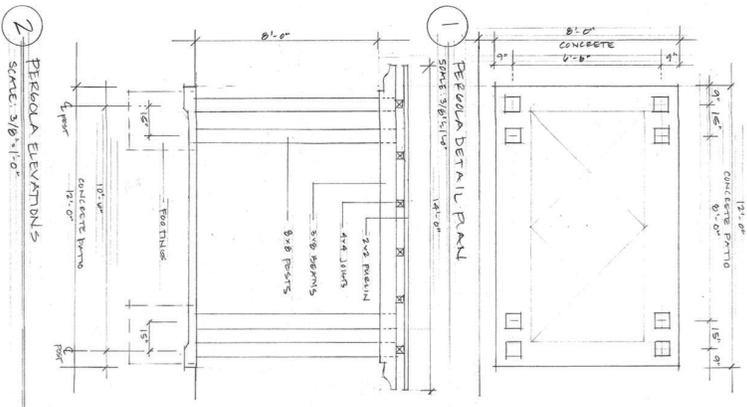


DATE
May 16, 2022

WALL AND PERGOLA SITE PLAN

SHEET

L.1



APPROVED:
 [Signature]
 Bureau of Development Services
 Date: 07/21/2022
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional drawings and information may apply.