



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

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

Date: October 13, 2022
To: Interested Person
From: Megan Sita Walker, Land Use Services
503-865-6515 / MeganSita.Walker@portlandoregon.gov

NOTICE OF A TYPE I DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has a approved 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 22-161894 HR

GENERAL INFORMATION

Applicant: Sarah Spafford | Sarah Spafford Design
2700 SE Harrison St, Suite B
Milwaukie, OR 97222
(503) 347-8657

Owner: Catherine Johnson
2207 NE 14th Ave
Portland, OR 97212

Site Address: 2207 NE 14TH AVE

Legal Description: BLOCK 77 LOT 5, WEST IRVINGTON
Tax Account No.: R893600090
State ID No.: 1N1E26CA 09600
Quarter Section: 2831

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: Non-contributing resource in the Irvington Historic District

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

Proposal:

The applicant requests Historic Resource Review approval for alterations to a site containing a non-contributing resource in the Irvington Historic District. The proposed alterations include the installation of a new concrete driveway. The proposal also includes the installation of two (2) tiers of cast-in-place concrete landscape walls with existing concrete steps to remain in place. The two tiers of cast in place concrete walls are noted to be no taller than 30" from the lower of the adjacent grades.

Historic Resource Review is required for non-exempt exterior alterations in a 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 14th Avenue in the Irvington Historic District. The existing 3-story Queen Anne style building, built in 1899, is listed as a non-contributing resource in the Irvington Historic District with modifications noted in the nomination including vinyl siding, conversion to a duplex, and probably 2nd story modifications.

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: 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 **September 1, 2022**. No responses were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **September 1, 2022**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Tony Greiner, Irvington Land Use Committee chair, on September 14, 2022, wrote in with some concerns regarding the proposal. Specifically, concerns were raised with the introduction of the driveway that did not extend to the rear of the property or did not lead to a detached garage. Please see Exhibit F-1 for additional information on concerns raised.

Staff Response: As the owner indicated in their response to the comments received from the ICA (see Exhibit A-6), they do not intend to propose a driveway that extends to the rear of the property and the proposed scope of work does not include a garage. Based on the scope of work proposed to this non-contributing property, that both the alterations associated with the driveway and the landscape walls are reversible, and that it is not wholly uncommon for a driveway in the district to require some excavation, staff has found that the proposal, as designed, meets the approval criteria and is supportable. Please see the findings below for additional 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 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.
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: While the existing structure on the subject property was built in 1899, during the period of significance of the district, the property is listed as a non-contributing resource within the Irvington Historic District. Additionally, with the proposal including the addition of a new concrete driveway with new concrete landscape walls, no alterations to historically significant material are proposed, and no chemical treatments are proposed. As such, the proposal does

not include result in alterations to historically significant material, architectural features, and does not result in the loss of the ability of the district to remain a physical record of its time, place, and use.

While the subject property is classified as a non-contributing resource in the district, and the alterations proposed do not impact historically significant material, staff would support the retention of the “Elwood Wiles 1908” imprint on the curb as suggested in the ICA’s comments.

These criteria are 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.
- 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.
- 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, 9 and 10: The proposal includes the addition of a new concrete driveway with new concrete landscape walls at the driveway and on either side of the main concrete entry steps to remain in the front yard. The two tiers of cast in place concrete walls are noted to be no taller than 30” from the lower of the adjacent grades. The driveway as designed generally continues the grade at the sidewalk level and is proposed to extend 46ft back to the location of an existing bay window at the ground level. The placement of the minimal 9’ wide driveway allows for the retention of the existing bay window and existing mature hedge along the southern edge of the property. The length of the driveway is long to accommodate what could be used as two parking spaces outside of the front setback area. While it may be common for driveways to follow the slope of the yard, it is not wholly uncommon or out of character with the district that the introduction of a driveway requires excavation.

The introduction of the two tiers of cast in place landscape walls (not to exceed 30” above the lower adjacent grade) is intended to create a street frontage compatible with contributing resources in the district and to help limit the accumulation of debris along the sidewalk that occurs due to the current sloped condition. The establishment of the terraced front yard, centered on the existing concrete steps of the main entry (to remain), support the primacy of the front entry sequence and help the non-contributing resource better relate to contributing resources in the district. The proposed new concrete landscape walls are limited in the height necessary to establish two tiers within the existing grade of the front yard and will be compatible with the proposed driveway and existing main entry stairs. To ensure that the landscape walls are limited to the height necessary to adjacent grade and remain compatible, staff has added Condition of approval ‘C’.

The proposed alterations are designed to improve the current condition in a manner that increases the compatibility of the non-contributing resource with district and will be differentiated through the use of contemporary materials and construction

methods. The proposal is designed to limit impact on primary architectural features of the non-contributing resource (such as the front porch and bay window) and is reversible. The proposed alterations are designed to be compatible with the variety of driveways seen on adjacent properties and the district as a whole. Lastly, seeing that the work proposed is reversible, the alterations continue to not undermine the ability of the district or adjacent resources to retain their essential form and integrity.

With Condition of Approval 'C' that the proposed landscape walls on either side of the main entry stairs shall be a maximum of 30 inches above the lowest adjacent grade., 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: Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. The proposal does not include extensive excavation of previously undisturbed soil, as such, the potential that archaeological resources could be impacted is limited.

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 approval criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

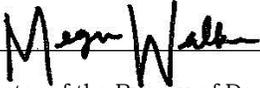
Historic Resource Review approval for exterior alterations to a non-contributing resource in the Irvington Historic District to include the installation of a new concrete driveway and (2) tiers of cast-in-place concrete landscape walls (not to exceed 30" from the lower of the adjacent grades) with existing concrete steps to remain in place.

Approved per site plans, Exhibits C-1 through C-3, signed and dated October 7, 2022, 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 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 22-161894 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. The proposed landscape walls on either side of the main entry stairs shall be a maximum of 30 inches above the lowest adjacent grade.
- D. No field changes allowed.

Staff Planner: Megan Sita Walker

Decision rendered by:  **on October 11, 2022**

By authority of the Director of the Bureau of Development Services

Decision mailed October 13, 2022

Procedural Information. The application for this land use review was submitted on July 13, 2022, and was determined to be complete on August 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 July 13, 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: December 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.

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.

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 is 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>.

Recording the final decision.

If this Land Use Review is approved the final decision will be recorded with the Multnomah County Recorder.

- *Unless appealed*, the final decision will be recorded after **October 13, 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 Statement:
 1. Original Packet – Plans
 2. Response to Incomplete Letter, Rec'd August 24, 2022
 3. Copy of Tree Removal and Replant Permit, Rec'd August 24, 2022
 4. Update Drawings, Rec'd August 24, 2022
 5. Photo, Rec'd August 24, 2022
 6. Owner's response to ICA comments, Sent September 14, 2022
 7. Update Drawings, Rec'd October 10, 2022
- B. Zoning Map (attached)
- C. Plans/Drawings:
 1. Existing Site Plan (attached)
 2. Enlarged Proposed Site Plan and Details (attached)
 3. Proposed East Elevation (attached)
- D. Notification Information:
 1. Mailing List
 2. Mailed Notice
- E. Agency Responses: none
- F. Correspondence:
 1. Tony Greiner, Irvington Land Use Committee member, on September 14, 2022.
- G. Other:
 1. Original LU Application
 2. Incomplete Letter
 3. 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).