



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

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Date: 10/18/2022
To: Interested Person
From: Tanya Paglia, Land Use Services
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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 21-112769 HRM – CARRIAGE HOUSE & DRIVEWAY ALTERATIONS

GENERAL INFORMATION

Applicant: Anne Dewolf & Sarah Crouse | Arciform LLC
2303 N Randolph Ave | Portland, OR 97227
sarah@arciform.com

Owner: Kysa & David Kelleher
1719 NE Knott St | Portland, OR 97212

Site Address: 1719 NE KNOTT ST

Legal Description: BLOCK 46 W 1/2 OF LOT 8-10 LOT 11-13, HISTORIC PROPERTY 15 YR 2008, POTENTIAL ADDITIONAL TAX, IRVINGTON

Tax Account No.: R420410080
State ID No.: 1N1E26AC 11300
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: Historic Landmark – *John & Ellen Bowman House*, a house constructed in 1915-16 and individually listed on the National Register of Historic Places on 1/9/2008; and a Contributing Resource in the Irvington Historic District

Zoning: **R5** – Residential 5,000 Single Dwelling Zone with Historic Resource Protection

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

Proposal:

The applicant is seeking Historic Resource Review approval for a proposal to alter a carriage house, walkway, gates, and driveway that are part of a Landmark site. The primary house is the landmark *John & Ellen Bowman House*, which is also a contributing resource in the Irvington Historic District and will not be altered as part of the project.

Project includes:

- Carriage House. Restore the function of the carriage house previously converted to an ADU back to a garage, recreating the original façade of two carriage style overhead garage doors (installing historically appropriate garage doors and replacing the exterior light fixtures with period appropriate fixtures).
- Driveway. Widen the north section of the driveway, connecting and providing access to the carriage house from 17th Ave. Rebuild and widen the curved portion of the driveway running from the port cochere to Knott Street and shift the exit to a safer distance from the corner, and straighten out the mouth of the driveway so that the exit is perpendicular to Knott Street while retaining some of the curve.
- Front Foot Path. Rebuild the front foot path using new brick where needed.
- Cherry Tree. Removal of large cherry tree located near the center of the site's south frontage.
- Iron Gates. Gates at both ends of the driveway will be rebuilt replicating the original gates but will be wider and will be recessed to allow them to continue to swing outwards but will no longer swing out into the sidewalk. The gates on the Knott St end of the driveway will be relocated to the new driveway exit.

Modification requests [PZC 33.846.070]:

1. Allow gates at the front of the site to be taller than the maximum allowed fence height of 3'-1/2" within the front building setback, allowing them to be up to up to 6'-4" (33.110.275.C.1)

Historic Resource Review is required because the proposal is for 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 approval criteria are:

- 33.846.060.G *Other approval criteria*
- 33.846.070 Modifications Considered During Historic Resource Review

ANALYSIS**Site and Vicinity:**

The Landmark *John & Ellen Bowman House* is a two and a half-story Colonial Revival style house with strong Craftsman influence, constructed in 1915-16. It is located on a half-acre lot, the equivalent of six city lots, in the Irvington Neighborhood of Northeast Portland. It is a contributing resource in the Irvington Historic District, and an individually listed landmark on the National Register of Historic Places, listed on 1/9/2008. The house is noted for its architectural significance, its association with textile entrepreneur, John L. Bowman, and the fact it has the second largest Beech tree in Portland on its grounds. It is of hollow clay tile construction sheathed in stucco and is set on a concrete foundation, and features a terra cotta roof. It was designed by architect Ellis F. Lawrence and built by Lawrence and Holford. A carriage house, which matches the house, is located along the north lot line, with the driveway entering from 17th Avenue.

Irvington Historic District 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. 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 Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. These patterns help to lend the neighborhood the distinctive and homogeneous historic character.

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 that prior land use reviews include the following:

- **LU 16-135240 HR** Approval of the removal of one existing glass block window and one door with transom window at the east façade (side of house), and one glass block and double hung window assembly at the north façade (rear of house) at the northeast corner of the first floor.
- **LU 98-016230 (Ref #: LUR 98-00924)** Approval of an adjustment for a 10 foot reduction, to the required 60 foot accessory dwelling unit front setback, for an existing, detached Carriage House building on the Bowman Residence property. This review also included an approval of an increase in the allowed maximum size (800 square feet) for accessory dwelling units. The existing Carriage House accessory dwelling unit was approved to be increased from an existing area of 436 square feet to 1,066 square feet.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **June 3, 2022**. The following six Bureaus, Divisions and/or Sections responded with no objections and three of these included written comments found in Exhibits E-1 and E-4:

- Life Safety Division of the Bureau of Development Services (Exhibit E-1)
- The Bureau of Environmental Services (Exhibit E-2)

BES notes: Staff has not received a stormwater management plan to review for this project. The applicant should be aware that the placement of stormwater facilities could

impact the design and layout of the site. Although there are no BES-specific approval criteria, it may be in the applicant's best interest to submit information about proposed stormwater management, so that any impacts to the site can be considered by BDS Land Use Services through this review.

- Portland Bureau of Transportation – original response and revised response (Exhibits E-3 & 4)
- The Bureau of Parks-Forestry Division (Exhibit E-5)
- Fire Bureau
- Site Development Section of BDS
- Water Bureau

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on June 3, 2022. Three written response have been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Tony Greiner, Chair of the Irvington Community Association Land Use Committee, wrote on June 22, 2022 noting that the majority of the Irvington Land Use Committee did not support the initial proposal which included a complete straightening out of the driveway between the porte cochere and Knott street and a complete straightening of the walking path between the house and Knott St, and noted that the proposal elicited special attention because the Bowman Property is on the National Register of Historic Places as an individually listed resource. The committee supported carriage house and tree alterations but did not support the straightening of the curved brick driveway and the curved foot path.
- Kyna Rubin, Member of Irvington Community Association Tree Team, wrote on June 29, 2022 with comments regarding the mature cherry tree to be removed, noting that this was not a particularly valuable tree, though the loss of a large tree should be mitigated with replacement of a large tree, and ideally a more robust and long-lived species.

Staff Response: The applicants responded to the ICA comments by redesigning the proposal to retain a curve on the southern portion of the driveway where they were previously straightening it out completely. The new southern curve results in less of a full arch than the original driveway and bends a second time to create a perpendicular approach to Knott St, but it does retain the curvilinear sensibility of the original driveway. While not retaining the full original arch, the revised proposal is a happy medium between retaining the elegance of the curved driveway, while improving the function and safety of the driveway in a multitude of ways. In addition, the applicants responded to the ICA comments by retaining the existing curves of the footpath, where they had been previously proposing a completely straight path. Finally, the applicants revised their proposal to include the planting of a large specimen tree near the front property line to replace the cherry tree to be removed.

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.
- 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.
- 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.
- 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 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10: The large landmark house is the primary historic element of the property and will not be part of the proposed project. The proposed carriage house, driveway, gate, tree and pathway alterations will not detract from the historic character of the contributing house and no original historic features of the house will be altered as part of the project.

The carriage house, which is also a contributing resource, will be restored to its original design. The original carriage house was converted from a garage use into a dwelling unit in 1998 which changed the façade of the carriage house from two garage doors to one large bay window. The project will restore it to its original function, recreating the original façade of two carriage style overhead garage doors and replacement of the

exterior light fixtures with period appropriate fixtures. Original materials will be matched. The project is a deferential alteration to the property to reproduce the aesthetics of the original carriage house and to compliment the contributing house. The project replicates the style of the original garage which matches the landmark house while remaining visually subordinate to it.

The project will rebuild and widen the driveway, which is currently narrow and difficult for cars to enter, maneuver through, and exit from. The existing driveway is constructed of a mix of old and new brick, both of which are deteriorating and hazardous. The driveway enters the property on 17th Avenue and curves south past the carriage house through the port cochere. From the port cochere, the driveway curves back towards 17th Avenue, exiting on Knott Street in close proximity to the corner of Knott and 17th. The location makes pulling out onto Knott Street somewhat dangerous. The project will rebuild and widen the north section of the driveway, connecting, and providing access to the carriage house from 17th Ave, and rebuild the curved portion of the driveway running from the port cochere to Knott Street, shifting the exit to a safer distance from the corner. The mouth of the driveway will be straightened out so that the exit is perpendicular to Knott Street, making the driveway safer.

The modified driveway carefully retains a graceful, curved shape echoing the existing driveway, and maintaining the romantic character of the property to passersby. While the project changes the trajectory of the driveway's path, it maintains the presence of a curving driveway which is such a unique aspect of this property, and at the same time makes it safe for modern cars to utilize. The proposal is a happy medium between retaining the elegance of the curved driveway, while improving the function and safety of the driveway in a multitude of ways. In addition, the project will rebuild the brick footpath that enters the property on Knott Street, curves to the front porch and connects over to the driveway. The rebuilt path will replicate the existing with the same material, brick, and will retain the curvilinear shape exactly as it is now.

While a mature cherry tree is proposed to be removed, a healthy large specimen tree is proposed close to the same location to mitigate its loss. An arborist assessed the cherry to be in declining health as the intended, grafted ornamental cherry tree variety has been consumed by the original sour cherry rootstock.

The iron gates at both ends of the driveway will be rebuilt. The project will widen both driveway openings and create new, wider, out swinging gates. In order to avoid the new gates swinging into the sidewalk, the gates will be recessed a few feet from the existing fence. The new gates will connect back to the existing fence with new fence panels with brick piers on either end. Both the new gate and connecting panels will closely match the existing ironwork. The new brick piers will be replicas of the originals.

Generally, the proposed project will preserve the historic character of the landmark home and grounds while providing increased safety and modernized functionality. The property will remain a physical record of its time, place and use, and conjectural features or architectural elements from other buildings will not be added. No alterations to the property have taken on historic significance which requires preservation. The historic features of the carriage house, driveway, gates and walkway that are not deteriorated will be preserved, and where the severity of deterioration requires replacement, the new feature will match the historic feature in design, color, texture, and other visual qualities. Historic materials will be protected, and new materials will blend with, and closely match, existing details. All brick removed will be salvaged and reused if possible.

All work done to the carriage house, driveway, walkway and gates will be compatible with the massing, size, scale, and architectural features of the landmark house and will not compromise the architectural integrity of the historic resource. All alterations will be undertaken in such a manner that, if removed in the future, the essential form and integrity of this historic resource and its environment would be unimpaired. All work done will be consistent in style – primarily with the original architectural details of the home – prioritizing the home's period of significance. The home will remain compatible

with neighboring properties, as well as the rest of the Irvington Historic District. All elements of the property to be altered will continue to be compatible in materials, scale and design to the neighborhood and remain suitably subordinate to the landmark house. The design and materials proposed in the project are deferential to- and compatible with- the original site features, as well as with the contributing house, adjacent properties and the neighborhood.

These criteria are met.

33.846.070 Modifications Considered During Historic Resource Review

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic resource review process. These modifications are done as part of historic resource review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through historic resource review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. **Better meets historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. **Purpose of the standard.**
 - 1. The resulting development will meet the purpose of the standard being modified; or
 - 2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

Modification #1: Fence Height, PZC 33.110.275.C.1 – Allow gates at the front of the site to be taller than the maximum allowed fence height of 3'-1/2" within the front building setback, allowing them to be up to 6'-4".

Purpose Statement: The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

Standard: 33.110.275.C.1, Fences up to 3-1/2 feet high are allowed in required front building setbacks, or between the front lot line and the front building line of the primary structure, whichever is less.

- A. **Better meets historic resource review approval criteria.** *The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and*
- B. **Purpose of the standard.** *The resulting development will meet the purpose of the standard being modified or the preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.*

Findings: The proposed driveway gate placements are similar to the existing conditions of the historic gates on the site. Both ends of the driveway have existing iron gates, which swing out into the sidewalk, blocking pedestrian traffic. The existing gates create narrow entry and exit points, making it difficult for modern cars to enter and exit the property. The project will widen both driveway openings and create new, wider, out swinging iron gates. In order to avoid the new gates swinging into the sidewalk, the

gates will be recessed a few feet from the existing fence. The new gates will connect back to the existing fence with new fence panels with brick piers on either end. Both the new gates, and connecting panels, will closely match the existing ironwork. The new brick piers will be replicas of the originals.

While the maximum allowed height for fences within the required front building setback is 3 ½ feet, the historic condition of the site includes the existing fence to remain and gates to be replaced, all of which exceed the current zoning standard for height. The new gates will be slightly taller than the existing gates to accommodate the topography of the site and the slightly modified design which will contain the gate swing within the site and away from the right-of-way while otherwise replicating the historic gates' features.

On balance, the Modification is consistent with the purpose of the standard. The proposed rebuilt gates limit the negative aspects of fences as they do not create street walls that inhibit police and community surveillance, and do not decrease the sense of community, hinder emergency access, hinder the safe movement of pedestrians and vehicles, and do not create an unattractive appearance. They maintain the attractive appearance of the existing historic gates and serve as sculptural elements that mark the entry and exit of the landmark site while not obstructing views to and from the property.

Generally, the proposed condition better meets historic resource review approval criteria than would gates set back 10' from the property line, or ones that are diminutive to meet the 3 ½ foot height allowance within the setback which would bring a considerable change to the site and disrupt its historic gate placement. Maintaining the existing placement and a non-conforming height is truer to the historic condition of front gates in the district. Because the existing gates are already a non-conforming height within the setback, the Modification allows for the continuation of the site's historic layout. The site is an unusually large property for the district with a larger than usual house and grounds. Maintaining prominent entry gates is appropriate for the scale and prominence of the landmark. The proposed Modification maintains the essential character of the historic condition and better meets Criteria 1 - Historic character, Criteria 2 - Record of its time, Criteria 8 – Architectural compatibility, and Criteria 10 – Hierarchy of compatibility.

Therefore this Modification merits approval.

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 project will preserve the historic significance of the landmark house, which is also a contributing resource, while allowing the carriage house and walkway to be restored, and the driveway and gates to be slightly modified in order to accommodate modern vehicles. The proposed alterations are respectful of the landmark house, and the neighborhood. The work proposed for the façade of the carriage house will be reviving the original function and aesthetic of the structure from the time period in which it was built. While the driveway curve will be changed from its original location, an overall curved shape will be maintained, while providing a safer and more functional driveway for modern vehicles. The historic character of this 1916 home will be preserved and no characterizing materials or features will be removed. The alterations to the site will allow better accessibility and safety, while maintaining the site's

historic integrity. 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 modification criteria and therefore warrants approval.

ADMINISTRATIVE DECISION

Approval of a proposal to alter a carriage house, walkway, gates, and driveway on a property which includes the landmark John & Ellen Bowman House that is a contributing resource in the Irvington Historic District.

Approval for the following Modification requests:

1. Allow gates at the front of the site to be taller than the maximum allowed fence height of 3'-1/2" within the front building setback, allowing them to be up to up to 6'-4" (33.110.275.C.1)

Approvals per the approved site plans, Exhibits C-1 through C-7, signed and dated 10/12/2022, 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 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 21-112769 HRM." 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: Tanya Paglia

Decision rendered by:  **on 10/12/2022**
By authority of the Director of the Bureau of Development Services

Decision mailed: 10/18/2022

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 December 10, 2021, and was determined to be complete on May 31, 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 December 10, 2021.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant requested that the 120-day review period be extended by 84 days. Unless further extended by the applicant, **the 120 days will expire on: 12/21/2022.**

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 11/1/2022. 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 after **11/1/2022** 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 Submittal

1. Applicant's Original Project Description & Response to Approval Criteria
2. Original Plan Set – NOT APPROVED/reference only
3. Site Photos – Current and Historic Condition
4. Carriage House Elevations – NOT APPROVED/reference only
5. Product Specifications
6. Site Photos – Current Condition
7. Cut Sheets
8. Cut Sheets
9. Carriage House Elevations – NOT APPROVED/reference only
10. Parking Requirements – Explanations
11. Parking Requirements - Plan – NOT APPROVED/reference only
12. Irvington Community Association Land Use Committee Pre-submittal Dialogue
13. Updated Site Plan – NOT APPROVED/reference only
14. Product Specifications
15. Applicant's Updated Project Description & Response to Approval Criteria
16. Updated Site Plan – NOT APPROVED/reference only
17. Applicant's Updated Project Description & Response to Approval Criteria
18. Parking Requirements - Plan – NOT APPROVED/reference only
19. Updated Site Plan – NOT APPROVED/reference only
20. Applicant's Updated Project Description & Response to Approval Criteria
21. Request for Extension of 120-Day Review Period for 30 days
22. Aerial Perspective – NOT APPROVED/reference only
23. Response from Applicant to ICA Tree Team Comments
24. Request for Extension of 120-Day Review Period for 30 days
25. Applicant's Updated Project Description & Response to Approval Criteria
26. Parking Requirements - Plan – NOT APPROVED/reference only

27. Parking Requirements – Explanations
 28. Request for Extension of 120-Day Review Period for 10 days
 29. Request for Extension of 120-Day Review Period for 7 days
 30. Request for Extension of 120-Day Review Period for 7 days
- B. Zoning Map (attached)
- C. Plans/Drawings:
1. Property Lot Lines, Site Aerial Photo, Site Context Map, Tax Map
 2. Site Plan – Proposed (attached)
 3. Site Plan – Existing
 4. Existing Landscape Plan
 5. Carriage House West Elevation – Existing and Proposed (attached)
 6. Gate Elevations – Existing and Proposed (attached)
 7. Parking Requirements - Plan
- D. Notification information:
1. Mailing list
 2. Mailed notice
- E. Agency Responses:
1. Life Safety Division of the Bureau of Development Services
 2. The Bureau of Environmental Services
 - 3&4. Portland Bureau of Transportation – original response and revised response
 5. The Bureau of Parks-Forestry Division
- F. Correspondence:
1. Tony Greiner, Chair of the Irvington Community Association Land Use Committee, wrote on June 22, 2022 noting concerns about straightening out of driveway and foot path.
 2. Kyna Rubin, Member of Irvington Community Association Tree Team, wrote on June 29, 2022 with comments regarding the mature cherry tree to be removed.
- G. Other:
1. Original LU Application
 2. National Register of Historic Places Registration Form
 3. Oregon Historic Site Record
 4. City of Portland Historic Resource Inventory Record
 5. Incomplete Letter
 6. Driveway Design Exception (TR 22-160386)

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).