



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: 11/22/2022
To: Interested Person
From: Tanya Paglia, Land Use Services
503-865-6518 / Tanya.Paglia@portlandoregon.gov

NOTICE OF A TYPE I 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 22-186194 HR – NEW DORMER & DOOR ALTERATIONS

GENERAL INFORMATION

Applicant: Angie Amato Wieland | Angie Amato Wieland Architecture, LLC
2726 NE 14th Ave | Portland, OR 97212
awieland@comcast.net

Owner: Jennifer Heh and Brian Heh
3132 NE 8th Ave | Portland, OR 97212

Site Address: 3132 NE 8TH AVE

Legal Description: BLOCK 111 LOT 14, IRVINGTON
Tax Account No.: R420424390
State ID No.: 1N1E26BB 13600
Quarter Section: 2731

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: Contributing Resource in the Irvington Historic District
Zoning: **R5** – Residential 5,000 with Historic Resource Protection Overlay
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 is seeking Historic Resource Review approval for a proposal to make exterior alterations to a contributing resource in the Irvington Historic District. Exterior alterations are associated with a remodel of the kitchen and adjacent bedroom on the main floor and a new bathroom on the second floor. The project's exterior alterations include:

- Second floor dormer addition for a new bathroom on east (rear) elevation of house with shed roof, new 4 ½” exposure cedar lap siding to match existing, skylight, and wood double windows with design to match existing, and asphalt shingle roof to match existing.
- Infill of an existing door on the first floor located on the north (side) elevation. The existing doorway will be infilled with new cedar horizontal lap siding that will match the profile and 4 ½” exposure of the existing siding.
- Replacement and relocation of French doors on east (rear) elevation.
 - The existing 6’ wide French door unit will be removed to allow for interior reconfiguration and the existing doorway will be infilled with new cedar horizontal lap siding that will match the profile and 4 ½” exposure of the existing siding.
 - A new 5’ wide French door unit will be installed for direct access from the kitchen to the backyard. The proposed new French doors do not include divided lites to match the majority of the existing windows and the front door on the house.
- No changes to west (front) and south (side) facades.

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

ANALYSIS

Site and Vicinity: The subject house is a one and a half-story Cape Cod style house constructed in 1925. It features horizontal board siding and sits back from the street facing west on NE 8th Ave on a 5,000 SF site.

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 there are no prior land use reviews for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on October 12, 2022. No agency review was provided given the scope of work.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on October 12, 2022. One written response has 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 October 25, 2022 with concerns about dormer alignment and support for the other elements of the proposal.

Staff Response: Staff found the proposal to meet the Historic Resource Approval Criteria given the project's placement at the rear of the house, away from the public realm of the Historic District, and the reversibility of the alterations. The finding below detail how the proposal responds to the applicable approval criteria.

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: The proposal to add a second-floor dormer on the east (rear) elevation, remove an exterior door on the north (side) elevation, and to replace and relocate French doors on the east (rear) elevation of a contributing resource in the Irvington Historic District will not substantially detract from the historic character of the subject property. The visual impact of the alterations from the public realm will be minimal-to-none, occurring on the rear and sides of the house.

While the side elevations (north and south) will change as a result of the project, and these two side elevations are partially visible from the street, the largest change, the proposed dormer, occurs at the rear of the house and will not be visible from the public realm in any way. The other door related alterations – removal of exterior door on the north (side) elevation, and a replacement and relocation of French doors on the east (rear) elevation – will also have minimal-to-no visibility from the street.

The large plane of the existing roof is broken up with a new dormer composed of exterior walls with a shed roof that runs perpendicular to the ridge. The shed runs just below the ridge out to the line of the existing eastern-most exterior wall. The shed roof form matches the existing side porch roof. The eave and rake detailing on the new dormer will match the existing details of the home.

Two new double-hung wood windows and a skylight are proposed on the east facing wall and roof of the dormer. The configuration of the new windows matches the mullion pattern, profile, configuration and proportions of the double-hung windows directly below the new dormer on the east side of the house. The new windows will also match the home's historic originals in their placement within the wall plane. The existing eave will continue along the front face of the dormer to minimize the massing of the dormer. The head height of the window is approximately 1 1/2" lower than the other second floor windows.

The new French door unit will replace the existing, non-original French doors. The single-lite configuration of the new French doors will more closely match the existing

window configuration than the current French doors. Clear grade cedar horizontal lap siding with a 4 1/2" exposure and 3/8" plank thickness to match the existing exterior cladding is proposed for any portions of the siding that are part of the addition or need to be patched and repaired as a result of the project. All trim shall be cedar and custom milled as required to match the existing cedar trim.

The integrity of the resource will be preserved, and the proposed alterations will not be conjectural additions to the building attempting to replicate extraneous historical elements of other buildings. The house will remain a physical record of its time, place and use. The project will not alter any changes made over time that have acquired historical significance, and the elements of the project could be removed in the future without impacting the form and integrity of the building. With the proposed work located on one side elevation and on the rear elevation, the project will not impact the view of the house from the street. Overall, the proposed work will not visually detract from the historic aesthetic of the house, adjacent properties and district.

These criteria are met.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all 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 proposed project will not significantly impact the house's role as a contributing resource in the Irvington Historic District with limited visibility from the public realm of changes to the exterior of the building. The dormer addition that is proposed for the structure can be removed in its entirety and the roof form could return to its original state. All new lap siding will match the existing siding—4-1/2" exposure—and any siding that is affected by the construction will be patched and repaired or replaced. Double-hung, wood windows match the existing window configurations and proportions on the east side of the house. 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 of exterior alterations to a contributing resource in the Irvington Historic District, per the approved site plans, Exhibits C-1 through C-7, signed and dated 11/17/2022, 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 22-186194 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: Tanya Paglia



Decision rendered by: _____ **on 11/17/2022**

By authority of the Director of the Bureau of Development Services

Decision mailed: 11/22/2022

Procedural Information. The application for this land use review was submitted on September 22, 2022, and was determined to be complete on October 6, 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 September 22, 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: 2/3/2023.**

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 **11/22/2022** 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:

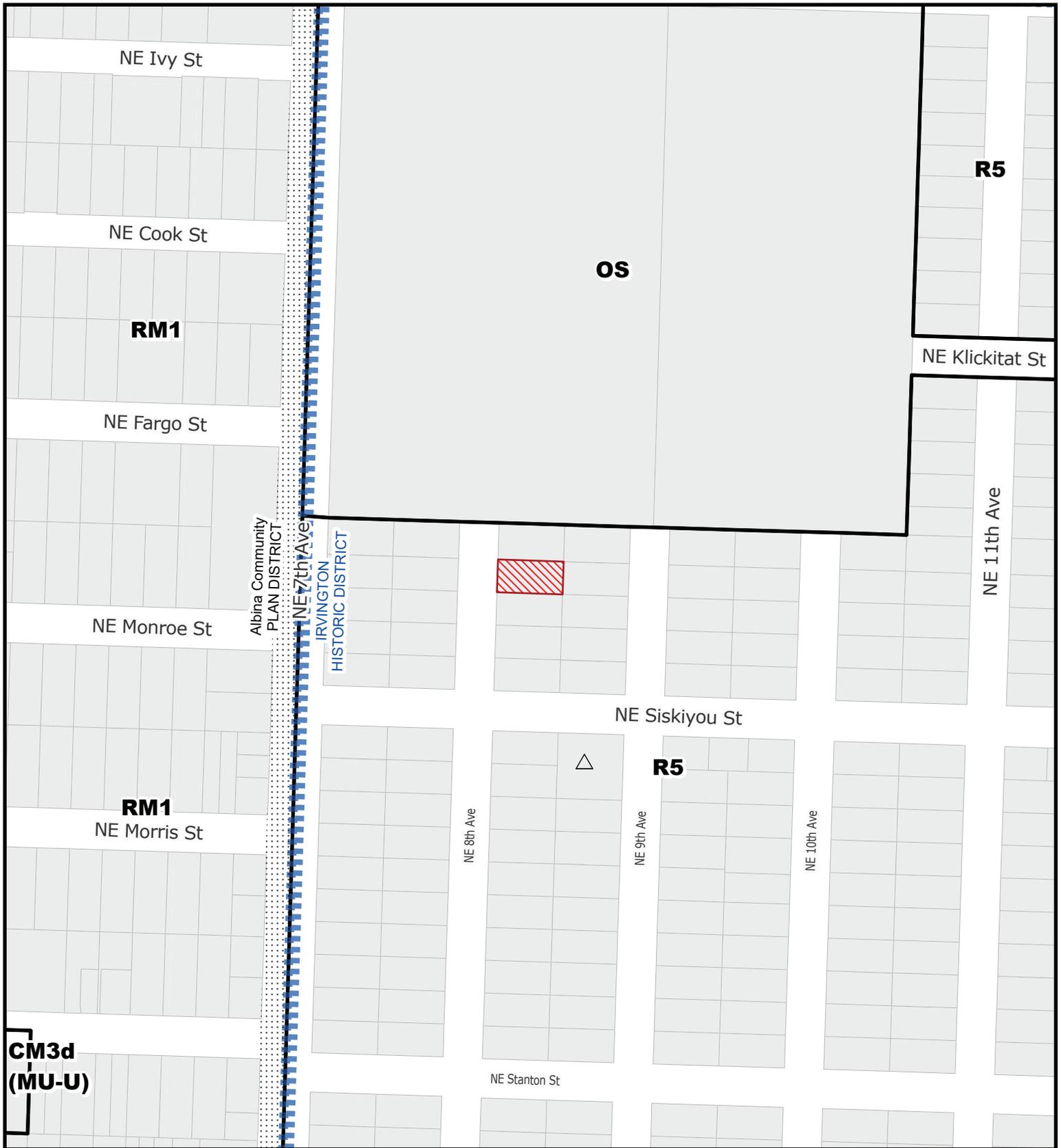
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittal
 - 1. Applicant's Narrative and Response to Approval Criteria
 - 2. Applicant's Photos of Existing Conditions and Product Cutsheets
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Project Notes and Reduced Site Plan
 - 2. Site Plan (attached)
 - 3. Demolition Plans
 - 4. Proposed Plans
 - 5. Proposed North and East Elevations & Building Sections (attached)
 - 6. Details
 - 7. Framing Plans
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: None received.
- F. Correspondence:
 - 1. Tony Greiner, Chair of the Irvington Community Association Land Use Committee, wrote on October 25, 2022 with concerns about dormer alignment and support for the other elements of the proposal; tony_greiner@hotmail.com.
- G. Other:
 - 1. Original LU Application
 - 2. Oregon Historic Site Record

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).



For Zoning Code in effect Post August 1, 2021

ZONING

THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

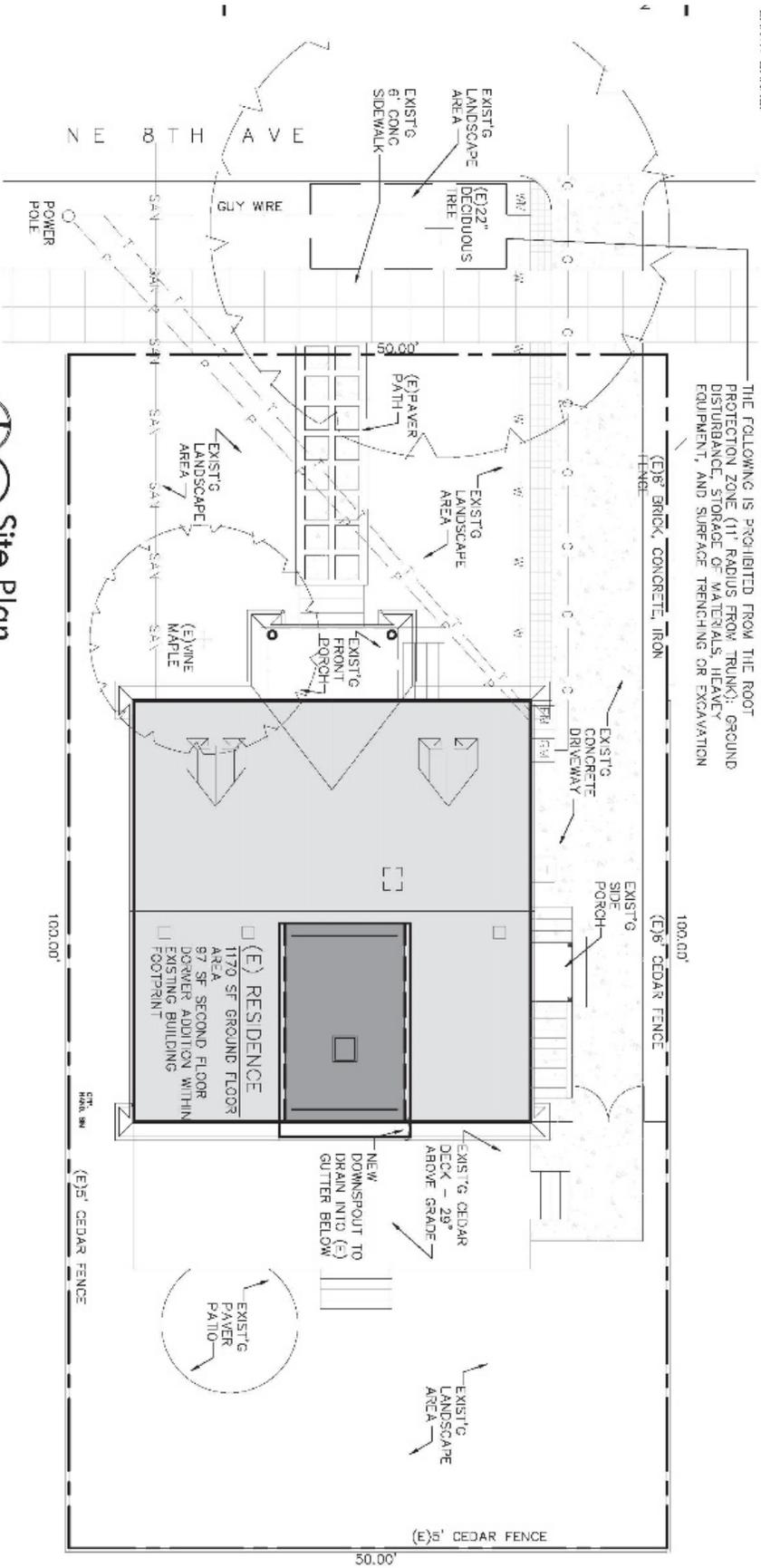


Site



Historic Landmark

File No. LU 22 - 186194 HR
 1/4 Section 2731
 Scale 1 inch = 200 feet
 State ID 1N1E26BB 13600
 Exhibit B Sep 23, 2022



THE FOLLOWING IS PROHIBITED FROM THE ROOT PROTECTION ZONE (11' RADIUS FROM TRUNK): GROUND DISTURBANCE, STORAGE OF WATERALS, HEAVY EQUIPMENT, AND SURFACE TRENCHING OR EXCAVATION

Site Plan
 scale: 1/8" = 1'-0"

COVER SHEET

date: 21 Sept 2022
 file: x-hel_p1_062322

NOT FOR CONSTRUCTION
 HISTORIC REVIEW SUBMITTAL

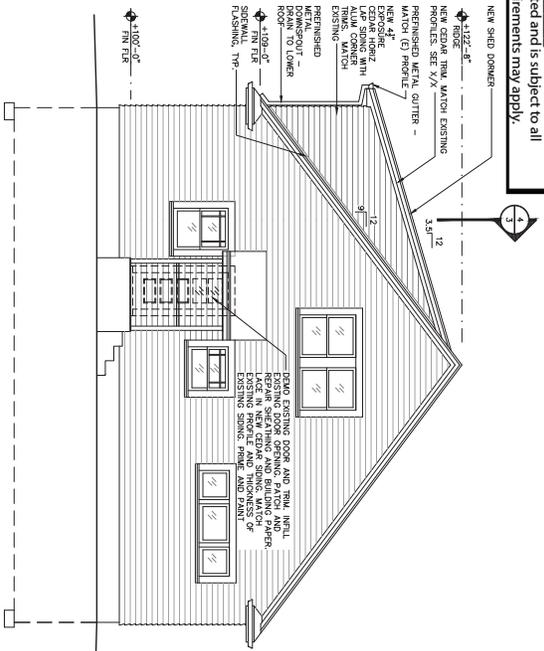
Approved
 City of Portland
 Bureau of Development Services
 Planner: *[Signature]*
 Date: 11/17/2022
 *This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

LU 22-186194 HR C-2

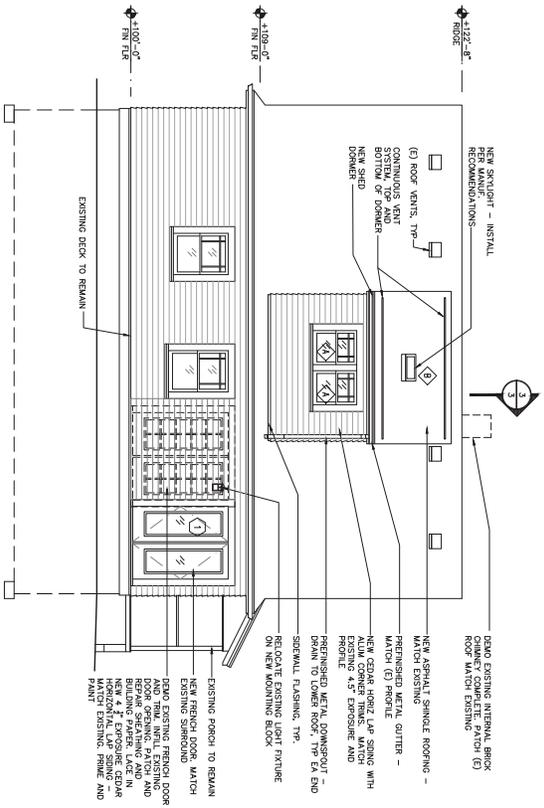
* Approved*
 City of Portland
 Bureau of Development Services

Planner *Jenny Hoyle*
 Date 11/17/2022

* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

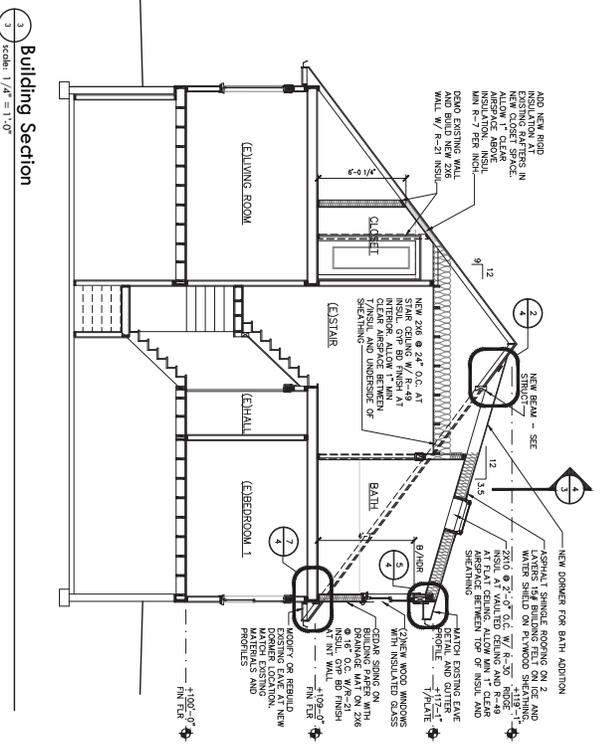


1 North Elevation (South Elevation Similar)
 Scale: 1/4" = 1'-0"

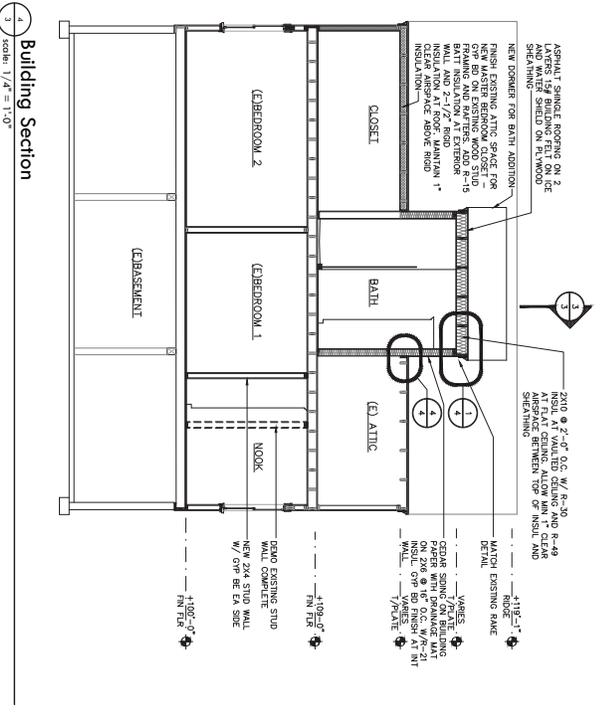


2 East Elevation
 Scale: 1/4" = 1'-0"

- GENERAL ELEVATION NOTES**
- HORIZONTAL LAP SIDING TO BE CEDAR HORIZONTAL LAP SIDING. MATCH EXISTING DIMENSIONS, PROFILES AT ALL CORNERS AND MATCH EXISTING CORNER BOARD DIMENSIONS. MEMBER SUBSTRATES AND INSTALL SIDING IN ACCORDANCE WITH MANUFACTURER'S PRINTED INSTRUCTIONS.
 - USE LONGEST PRACTICAL LENGTH TO MATCH JANTS IN LAP SIDING. TOUCH UP FIELD CUT EDGES WITH PRIMER PRIOR TO INSTALLATION. DO NOT INSTALL SIDING OR PRODUCT WITH SURFACE DAMAGE, STAIN, OR OTHER DEFECTS.
 - SEAL ALL JOINTS AND AROUND ALL PENETRATIONS EXCEPT MANUFACTURER'S RECOMMENDATION.
 - USE CEDAR TRIM WITH FINISH TO MATCH EXISTING AT ALL TRIM LOCATIONS. MATCH ALL EXISTING DIMENSIONS, PROFILES AND FINISHES. MATCH EXISTING DIMENSIONS, PROFILES AND FINISHES FOR ADDITIONAL INFORMATION.
 - PROVIDE MOISTURE BARRIER WITH DRAINAGE MAT OVER EXISTING MOISTURE BARRIER.
 - REMOVE SUBSTRATES AND APPLY PAINTS AND COATINGS IN ACCORDANCE WITH MANUFACTURER'S PRINTED INSTRUCTIONS.
 - FOR ALL PAINTS AND COATINGS, USE MANUFACTURER'S RECOMMENDATIONS FOR SUBSTRATE.



3 Building Section
 Scale: 1/4" = 1'-0"



4 Building Section
 Scale: 1/4" = 1'-0"