



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

Carmen Rubio, Commissioner
Rebecca Esau, Director
Phone: (503) 823-7310
TTY: (503) 823-6868
www.portland.gov/bds

Date: May 11, 2023
To: Interested Person
From: Hannah Bryant, Land Use Services
503-865-6520 / Hannah.Bryant@portlandoregon.gov

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

The Bureau of Development Services has approved a proposal in your neighborhood. The mailed copy of this document is only a summary of the decision. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 23-025492 HR – EXTERIOR ALTERATIONS IN IRVINGTON

GENERAL INFORMATION

Owner/Applicant: Rose Keane & Chris Keane | Bearing Architecture
2211 NE 17th Ave
Portland, OR 97212-4604
CKEANE@BEARINGARCHITECTURE.COM

Site Address: 2211 NE 17TH AVE

Legal Description: BLOCK 50 LOT 4&5 TL 14800, IRVINGTON
Tax Account No.: R420410890
State ID No.: 1N1E26DB 14800
Quarter Section:
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 – *Single-Dwelling Residential 5,000 with a Historic Resource Protection Overlay*

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

Proposal:

The applicant seeks Historic Resource Review for exterior alterations to an existing Contributing Resource in the Irvington Historic District. Proposed alterations include:

- New rear (west) deck with roof to extend existing rear porch and porch roof;
- 42 square foot addition to the south side behind an existing covered porch;
- Replacement of one window on the north façade;
- New wood window in rear (west) wall;

- Replacement of a pair of double hung windows with new wood French doors in rear (west) wall;
- All trim, cladding, roof slope and roof brackets to match existing.

Historic Resource Review is required 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, Portland's Zoning Code. The relevant approval criteria are:

- *33.846.060.G – Other Approval Criteria*

ANALYSIS

Site and Vicinity: The subject property is a 5,270-square foot site with one residence, which is considered a contributing resource in the Irvington Historic District. Constructed in 1911, the E. Kelly House is a one-and-a-half story Craftsman style home. The home is located mid-block fronting NE 17th Avenue, just south of NE Thompson Street.

Irvington Historic District Platted in the late Nineteenth Century as the first addition to Portland that employed restrictive covenants, the Irvington area developed intensely with a mix of middle class housing types and sizes during the first two decades of the Twentieth Century. 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. 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 zones implement the comprehensive plan policies and designations for single-dwelling housing and provide options for infill housing that is compatible with the scale of the single-dwelling neighborhood. Generally, minimum lot size is 3,000 square feet with minimum width and depth dimensions of 36 and 50 feet, respectively, and a maximum density of 1 lot per 5,000 square feet of site area. For attached houses, minimum lot size is 1,500 square feet with minimum width and depth dimensions of 15 and 50 feet, respectively, and a maximum density of 1 lot per 1,500 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 the following prior land use reviews for this site.

- LU 05-121419 HDZM - Historic Design Review with Modifications for detached garage. Modifications to front, side, garage entrance, and street lot line setback.

Agency Review: A “Notice of Proposal in Your Neighborhood” was mailed **April 7, 2023**. The following Bureaus have responded with no issues or concerns:

- Life Safety Section of BDS (exhibit E.1)
- Urban Forestry (exhibit E.2)

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on April 7, 2023. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

- Tony Greiner (Irvington Community Association), April 18, 2023 – The Irvington Community Association generally supports the proposal but has some suggestions, including to reconsider the rear deck siding, the proposed picture window and the muntin patterning on the new windows.

Staff Response: Staff appreciates the ICA’s comments, and has discussed them with the applicant. In response to the ICA’s comments, the applicant has updated the rear deck siding to match the shingle siding used elsewhere on the house, and has completed an extensive window context study to determine the most appropriate styles of windows for the new windows.

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.
- 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, 7, 8, 9, & 10: Constructed in 1911, the E. Kelly House is a 1.5-story Craftsman home located mid-block in the Irvington Historic District. The simple, gable-roof structure is unusual in this neighborhood for not having a front entrance. Its primary entrance faces the south side lot line and opens onto a narrow, covered porch on the south side of the house. Set up above the street, the site does not have a driveway. Stairs from the sidewalk lead to the south side porch. The home is much smaller than those beside it and across the street.

The proposed alterations are intended to facilitate an interior remodel and addition of a small half bath at the ground level. The changes are limited to the rear of the house and have been carefully located to ensure they are not visible from the public realm. The changes do not detract from the historic character of the home, or its integrity or compatibility with its neighbors and surrounding district. The minor changes do not compromise the resource remaining a physical record of its time, nor do they add conjectural features.

The proposed 42-square foot addition is located behind the covered south side porch, and is aligned with the footprint and roofline of the porch. The existing porch screens the proposed addition from the right-of-way. The proposal will be clad in wood shingle siding to match the existing cladding. It is common for contributing resources in this district to have minor additions at the rear of the property, including the enclosure of porches or other minor additions. This proposed addition is consistent with many small additions at the rear of the home that exist throughout the Historic District, including many where the alterations occurred during the period of significance. These minor additions are easily differentiated from the original architecture with footprints beyond those of the original rectilinear home, and with contemporary construction techniques and material differences.

Additional proposed level one alterations include the replacement of one existing window on the north side, one existing window on the south side, and two sets of windows on the rear (west) façade. The north façade window proposed to be replaced is located behind a side bump-out, and is the furthest window from the right-of-way. The existing window is a fixed picture window beneath a transom of the same width. To accommodate an interior remodel, with counters beneath the window, the new window is proposed to match the size of the existing picture window, but to be installed higher, utilizing the existing header above the transom. Due to its location, set up a full story above the street, located at the very back of the side façade behind a bump out that blocks views of the rear half of the house, the proposed window changes are not visible from the right-of-way.

At the south side, the proposal includes replacing an existing hung window at the very back of the south façade, located behind the existing south covered porch and not visible from the street. The proposed replacement is a narrower, wood casement window located in the same location. The narrower window will be the same distance from the corner of the house, but needs to be narrower to facilitate the proposed powder room addition.

At the rear of the house (west façade) the applicant proposes replacing a band of three windows with a new pair of French doors, opening out to a new rear deck. The deck is terraced to step down toward the back yard with wide steps, framed by planter boxes that are clad in the same wood shingle siding as the rest of the house. Additionally, an existing narrow hung window on level one of the rear façade is proposed to be replaced with a pair of larger casement windows. The new doors and windows are high quality wood, with thick sash dimensions that match existing windows. The original level one windows elsewhere on the house include a mix of French casement windows, hung windows and fixed picture windows. Therefore, the introduction of new casement windows at the rear of the house is an appropriate operational style that is consistent with numerous other windows elsewhere on the house.

Staff appreciates that the proposal has prioritized minimizing exterior alterations to this contributing resource, and that the alterations proposed are exclusively located at the rear of the home and are consistent with the resource's simple existing material palette and massing. The result is that the home may continue to comfortably serve its occupants for many years while continuing to contribute to the architectural diversity and richness of its historic context.

Therefore, these guidelines 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 development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

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

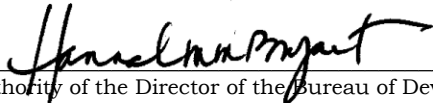
ADMINISTRATIVE DECISION

Approval of a 42 square foot addition, window replacements and a new deck at the rear of the house per the approved site plans, Exhibits C-1 through C-14 signed and dated May 9, 2023, 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 23-025492 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: Hannah Bryant

Decision rendered by:  **on May 9, 2023**
By authority of the Director of the Bureau of Development Services

Decision mailed: May 12, 2023

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on March 24, 2023, and was determined to be complete on April 4, 2023.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore, this application was reviewed against the Zoning Code in effect on March 24, 2023.

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: August 2, 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.

Appealing this decision. This decision may be appealed to the Landmarks Commission, and if appealed a hearing will be held. The appeal application form can be accessed at <https://www.portlandoregon.gov/bds/45477>. Appeals must be received **by 4:30 PM on May**

25, 2023. 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 **May 25, 2023** 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;

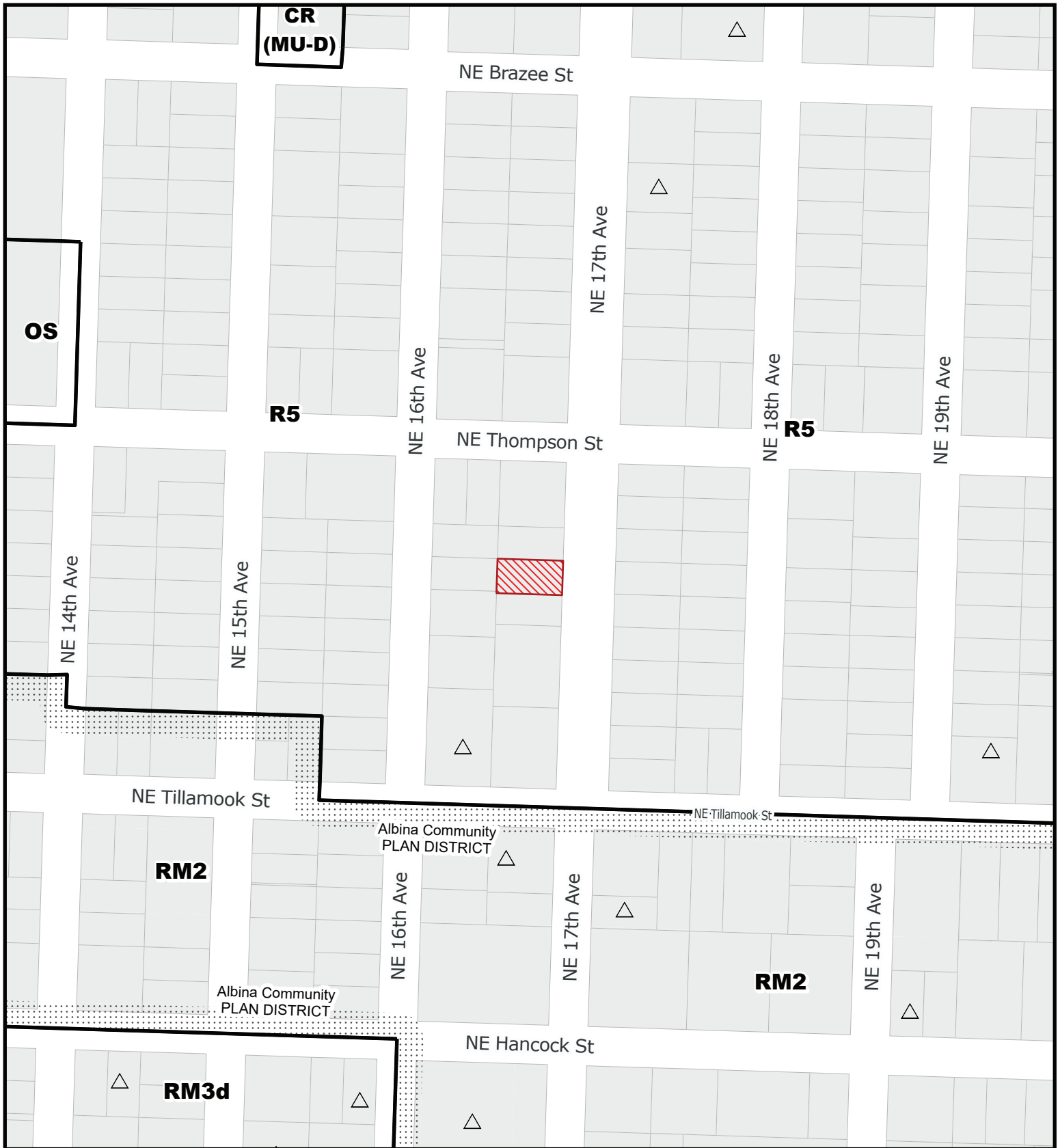
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Original Submittal
 - 2. Final Submittal
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Existing Site Plan
 - 2. Proposed Site Plan (attached)
 - 3. Existing Elevations
 - 4. Proposed Elevations
 - 5. Door and Window Schedule
 - 6. Window & Door Cutsheets / Details
 - 7. Window & Door Cutsheets / Details
 - 8. Window & Door Cutsheets / Details
 - 9. Window & Door Cutsheets / Details
 - 10. Window & Door Cutsheets / Details
 - 11. Window & Door Cutsheets / Details
 - 12. Window & Door Cutsheets / Details
 - 13. Window & Door Cutsheets / Details
 - 14. Window & Door Cutsheets / Details
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Section of BDS
 - 2. Urban Forestry
- F. Correspondence:
 - 1. Tony Greiner, April 18, 2023, The ICA generally supports the proposal but has some suggestions.
- G. Other:
 - 1. Original LU Application




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).



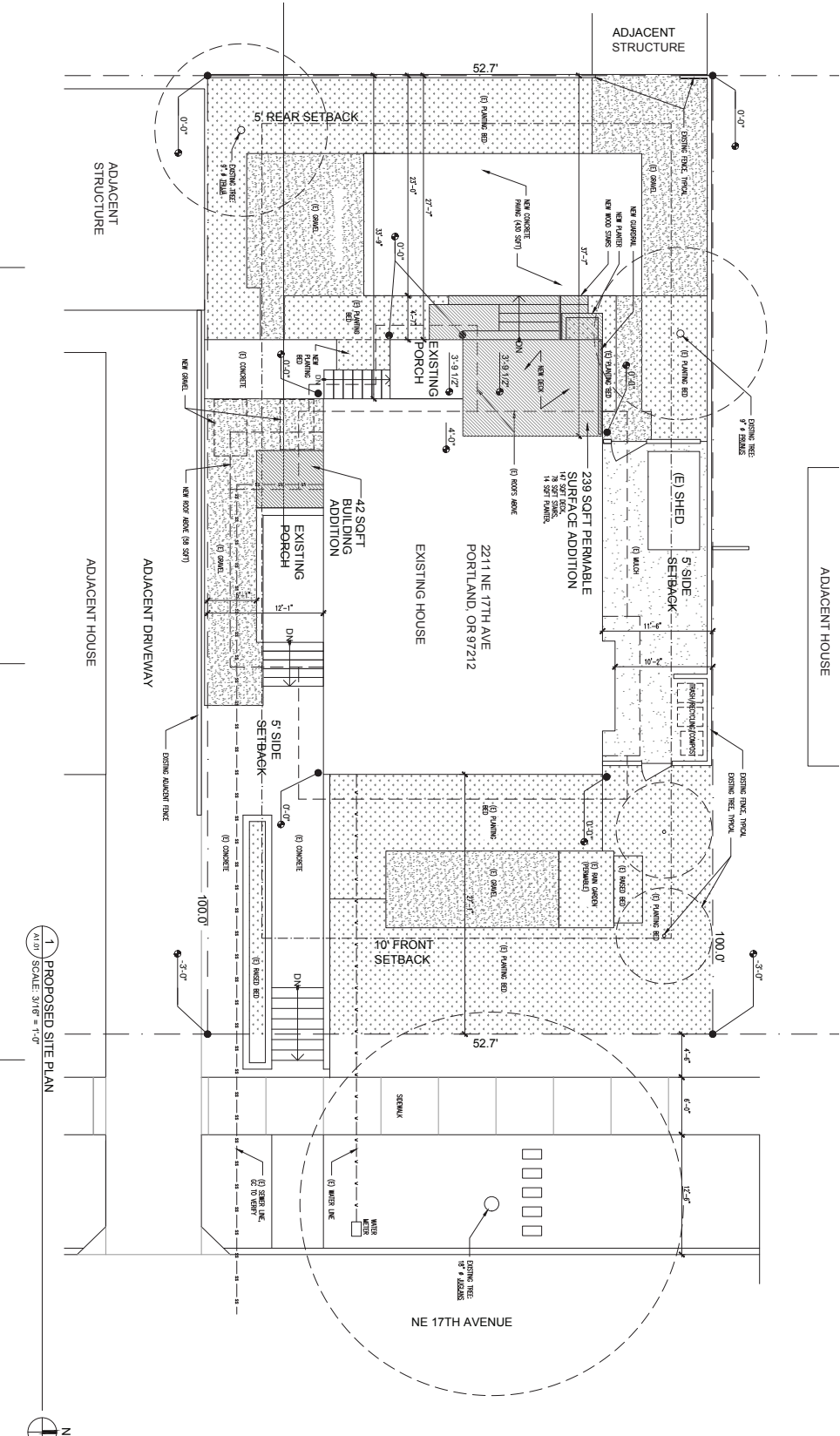
For Zoning Code in Effect Post October 1, 2022

ZONING

THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

-  Site
-  Plan District
-  Historic Landmark

File No.	<u>LU 23 - 025492 HR</u>
1/4 Section	<u>2832</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E26DB 14800</u>
Exhibit	<u>B</u> <u>Mar 24, 2023</u>



"As prepared"
 City of Portland
 Bureau of Development Services
 Planner: *[Signature]*
 Date applied on: 02-28-2023
 *This application is subject to all conditions of approval. Additional zoning requirements may apply.

PROJECT INFORMATION	
ADDRESS	2211 NE 17th Ave, Portland, OR 97212
PROPERTY ID	HR8838
TAX ID	14N152938
MAP	14N152938
ZONING	R5
HISTORIC DISTRICT	Historic Historic District
ALLOWABLE BUILDING HEIGHT	30'-0" MAXIMUM
BUILDING HEIGHT	24'-0" (NO CHANGE)
SITE AREA	0.12 ACRES / 5,270 SQ FT
F.A.S.	0.6101
ALLOWABLE BUILDING AREA	2,635 SQ FT
FINAL BUILDING AREA	2,187 SQ FT
ALLOWABLE	2,201 SQ FT
BUILDING COVERAGE	6% (2,201 sq ft - 15% of lot area over 5,000 sq ft)
FINAL BUILDING COVERAGE	1,280 SQ FT
APPROVED AREA ADDED	448 SQ FT NEW CONCRETE PAVING
	59 SQ FT NEW ROOF

BUILDING AREA CALCULATIONS			
FIRST FLOOR	EXISTING 1,097	PROPOSED CHANGE +42	FINAL 1,139
SECOND FLOOR	EXISTING 1,028	PROPOSED CHANGE 0	FINAL 1,028
TOTAL	EXISTING 2,125	PROPOSED CHANGE +42	FINAL 2,167

Areas are listed in square-feet.

ENVELOPE REQUIREMENTS		
Per Oregon per 2021 OARs, Section 151.001, 151.002, 151.003, 151.004, 151.005, 151.006, 151.007, 151.008, 151.009, 151.010, 151.011, 151.012, 151.013, 151.014, 151.015, 151.016, 151.017, 151.018, 151.019, 151.020, 151.021, 151.022, 151.023, 151.024, 151.025, 151.026, 151.027, 151.028, 151.029, 151.030, 151.031, 151.032, 151.033, 151.034, 151.035, 151.036, 151.037, 151.038, 151.039, 151.040, 151.041, 151.042, 151.043, 151.044, 151.045, 151.046, 151.047, 151.048, 151.049, 151.050, 151.051, 151.052, 151.053, 151.054, 151.055, 151.056, 151.057, 151.058, 151.059, 151.060, 151.061, 151.062, 151.063, 151.064, 151.065, 151.066, 151.067, 151.068, 151.069, 151.070, 151.071, 151.072, 151.073, 151.074, 151.075, 151.076, 151.077, 151.078, 151.079, 151.080, 151.081, 151.082, 151.083, 151.084, 151.085, 151.086, 151.087, 151.088, 151.089, 151.090, 151.091, 151.092, 151.093, 151.094, 151.095, 151.096, 151.097, 151.098, 151.099, 151.100	MIN. REQUIRED	R-4
Final Insulation	R-4	
Final Ceiling	R-40	
Underlayment	2" X 8" Nom. Joist Depth	R-30
Underlayment	2" X 8" Nom. Joist Depth	R-25
Exterior Doors	U-0.40	
Exterior Windows	U-0.40	
Exterior Walls	R-9	

Sheet Number
A1.01
 C.002
 LU 23-025492 HR

Bearing Job Number
 2218
 Sheet Title
Proposed Site Plan

Revisions and Description

Revision	Description	Date

Printing
 Date
 10/28/22
 10/28/22
 10/28/22
 10/28/22



Consultant
BEARING ARCHITECTURE
 215 SE 9TH AVE, STE 303
 PORTLAND, OR 97214
 1-503-972-2511
 BEARINGARCHITECTURE.COM

Keane Addition
 2211 NE 17th Ave
 Portland, OR 97212