



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

Carmen Rubio, Commissioner
 Rebecca Esau, Director
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Date: May 26, 2023
To: Interested Person
From: Benjamin Nielsen, Land Use Services
 503-865-6519 / Benjamin.Nielsen@portlandoregon.gov

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

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

CASE FILE NUMBER: LU 23-033315 HR
EXTERIOR ALTERATIONS AT REAR OF 2201 NE 23RD AVE

GENERAL INFORMATION

Applicant/ Representative: Gabriel Whitlatch, Liminal Shift LLC
 938 SE Linn St, Portland, OR 97202

Owner: Roger Watkins
 2201 NE 23rd Ave, Portland, OR 97212

Owner on Record: WATKINS 2019 REV LIV TR
 2201 NE 23rd Ave, Portland, OR 97212

Site Address: 2201 NE 23RD AVE

Legal Description: BLOCK 8 S 1/2 OF LOT 5 N 1/2 OF LOT 6, IRVINGTON
Tax Account No.: R420401540
State ID No.: 1N1E26DA 10600
Quarter Section: 2832

Neighborhood: Irvington, contact Tony Greiner at tony_greiner@hotmail.com
Business District: Soul District Business Association, contact at Info@nnebaportland.org
District Coalition: Northeast Coalition of Neighborhoods, contact at info@necoalition.org

Plan District: NONE
Other Designations: Eligible Contributing Resource in the Irvington Historic District

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

Proposal:

The applicant requests Historic Resource Review approval for proposed exterior alterations to the rear portion of the “Charles A. Buckley House,” which is a contributing resource in the Irvington Historic District. Proposed exterior alterations include the removal of an existing balcony, sliding glass door, and vinyl windows on the second floor of the rear elevation, to be replaced with new aluminum-clad wood casement windows and infill of siding in portions below; removal of an existing vinyl window on the second floor of the south elevation, to be replaced with new siding to match existing; replacement of an existing vinyl window with a new aluminum-clad wood window on the ground floor of the south elevation; installation of a new small utility chase in the rear porch area; and dropping the soffit of the rear porch slightly to accommodate new utilities above.

Historic Resource Review is required for proposed, non-exempt exterior alterations in historic districts, per zoning code section 33.445.200.D.

Relevant Approval Criteria:

In order to be approved, this proposal must comply with the approval criteria specified in the Portland Zoning Code. The relevant approval criteria are:

- PZC 33.846.060.G, Other Historic Approval Criteria

ANALYSIS

Site and Vicinity: The subject site contains the “Charles A. Buckley House,” an eligible contributing resource in the Irvington Historic District built in 1906. The three-story Craftsman style house lies on a standard 5,000 square foot lot, with its large gable facing the street and the rear of the property. Small gabled dormers face each side lot line. The rear of the house contains two gabled roof forms, and the smaller of these originally contained a sleeping porch, which has since been enclosed and a Juliet balcony tacked on to the a portion of the rear elevation.

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 there are no prior land use reviews for this site.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **May 8, 2023**. The following Bureaus have responded with no issues or concerns about the proposal:

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

The Bureau of Parks-Forestry Division responded with no objections to the proposal. Please see Exhibit E.1 for additional details.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **May 8, 2023**. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Tony Greiner, Irvington Land Use Committee, 05/22/2023, letter of support, though with some reservations, as the committee found it difficult to determine what was originally present in 1909 and whether the proposal was the best alteration to meet the homeowner's needs. See Exhibit F.1 for more details.

Staff response: Since the proposed new windows and other related exterior alterations are occurring on a portion of the house that had already lost some of its historic integrity, and since additional historic integrity will not be lost, staff believes the proposal meets the approval criteria and merits approval.

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.

Findings for 1, 2, & 3: The proposed removal of the sliding glass doors, sliding vinyl windows, and the Juliet balcony that were added in the 1990s and replacing those elements with casement windows will more result in a house that more closely resembles the original historic construction. None of these existing elements has taken on historic significance. The outline of the previously-existing sleeping porch will be retained with the new windows and trim on the west elevation that occupy the original sleeping porch aperture and the trim outline on the south elevation which will demarcate where the original sleeping porch opening was. None of the proposed new windows or trim create a false sense of historic development. None of the new features are conjectural or borrow features from other buildings. The overall historic form and character of the building will be retained.

Therefore, these criteria are met.

4. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the historic feature in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence.

5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used.

Findings for 4 & 5: No historic features existing on the building will be removed. Historic materials will be protected and retained. No chemical or physical treatments are proposed that would cause damage to these materials.

Therefore, these criteria are met.

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken.

Findings: The proposal is unlikely to encounter any archaeological resources, as no significant resources are identified in the district and proposed ground disturbance is minimal.

Therefore, this criterion does not apply.

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.

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

Findings for 7 & 9: The proposed new windows will be differentiated by their modern construction, by their materiality, being made of aluminum-clad wood, and by their form as casement windows rather than hung windows. Despite these

characteristics, the proposed new windows do not diminish the character or integrity of the contributing resource or the district as a whole. Furthermore, if these elements were to be removed in the future, the essential form and integrity of the contributing resource would remain and the district as a whole would be unimpaired.

Therefore, these criteria are met.

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

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

Findings for 8 & 10: The proposed exterior alterations are compatible in scale with the existing contributing house, retaining the existing openings in the walls in one form or another, particularly regarding retaining the original sleeping porch expression. The proposed windows, made of aluminum-clad wood, and new siding and trim, made of wood and in the same profile as existing historic material, are compatible with both the design of the house and the overall historic character of the district.

Therefore, 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 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.

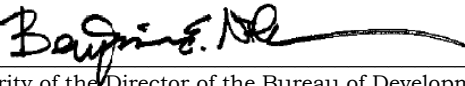
ADMINISTRATIVE DECISION

Approval of proposed exterior alterations that include the removal of an existing balcony, sliding glass door, and vinyl windows on the second floor of the rear elevation, to be replaced with new aluminum-clad wood casement windows and infill of siding in portions below; removal of an existing vinyl window on the second floor of the south elevation, to be replaced with new siding to match existing; replacement of an existing vinyl window with a new aluminum-clad wood window on the ground floor of the south elevation; installation of a new small utility chase in the rear porch area; and dropping the soffit of the rear porch slightly to accommodate new utilities above.

Approval per the approved site plans, Exhibits C.1 through C.7, signed and dated May 24, 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 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 23-033315 HR." All requirements must be graphically represented on the site plan, landscape, or other required plan and must be labeled "REQUIRED."
- B. At the time of building permit submittal, a signed Certificate of Compliance form (<https://www.portlandoregon.gov/bds/article/623658>) must be submitted to ensure the permit plans comply with the Design/Historic Resource Review decision and approved exhibits.
- C. No field changes allowed.

Staff Planner: Benjamin Nielsen

Decision rendered by:  on May 24, 2023.
By authority of the Director of the Bureau of Development Services

Decision mailed: May 26, 2023.

Procedural Information. The application for this land use review was submitted on April 19, 2023, and was determined to be complete on May 3, 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 April 19, 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 31, 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 **May 26, 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:

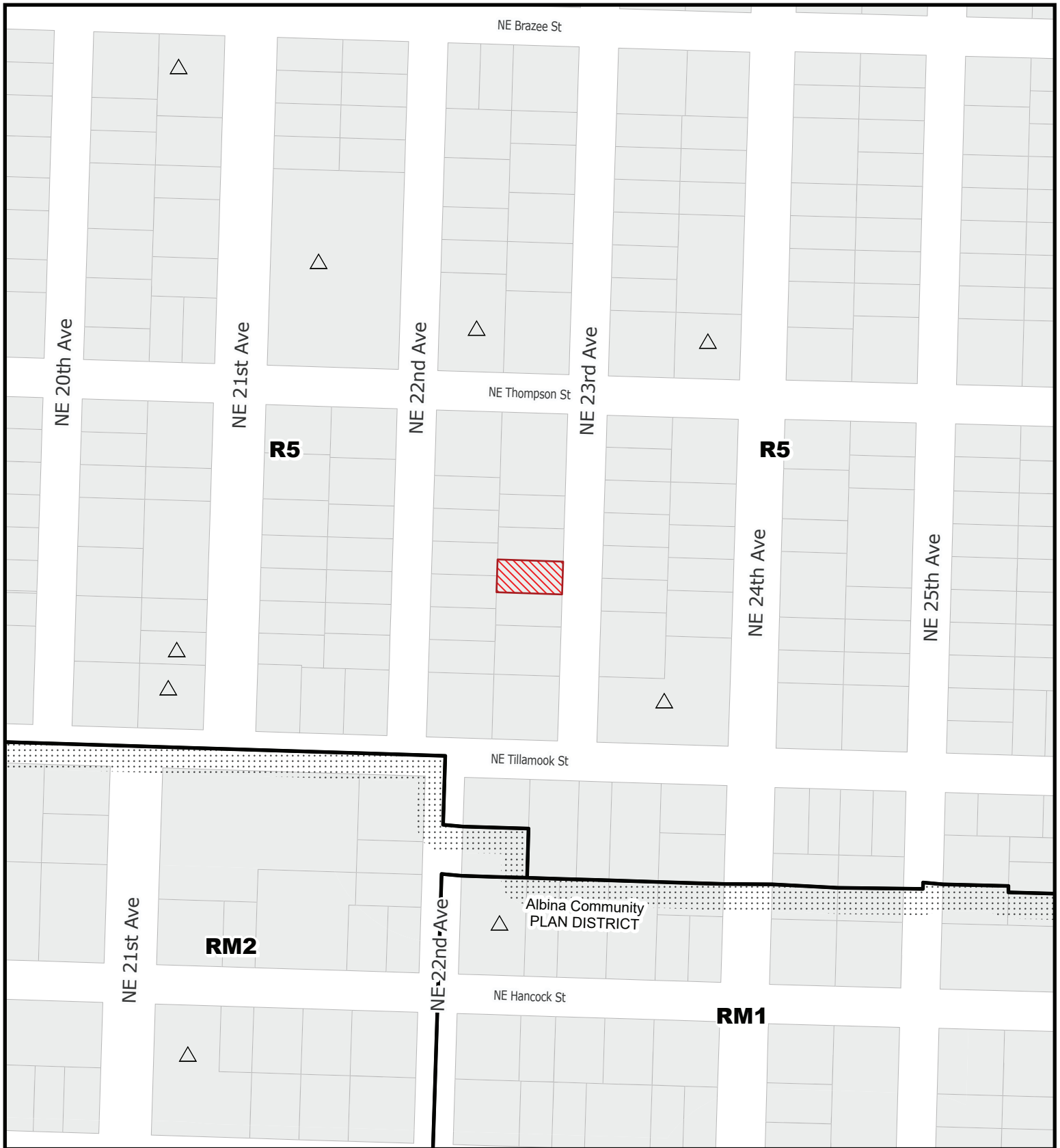
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Drawings
 - 2. Written Statement
 - 3. Photos
 - 4. Revised Drawings
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan/Coversheet (attached)
 - 2. Basement & Main Floor Plan
 - 3. Second Floor Plan
 - 4. Third Floor & Plan
 - 5. Elevations [East & North] (attached)
 - 6. Elevations [West & South] (attached)
 - 7. Sections
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Parks, Forestry Division
- F. Correspondence:
 - 1. Tony Greiner, Irvington Land Use Committee, 05/22/2023, letter in support
- G. Other:
 - 1. Original LU Application
 - 2. Email correspondence




The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



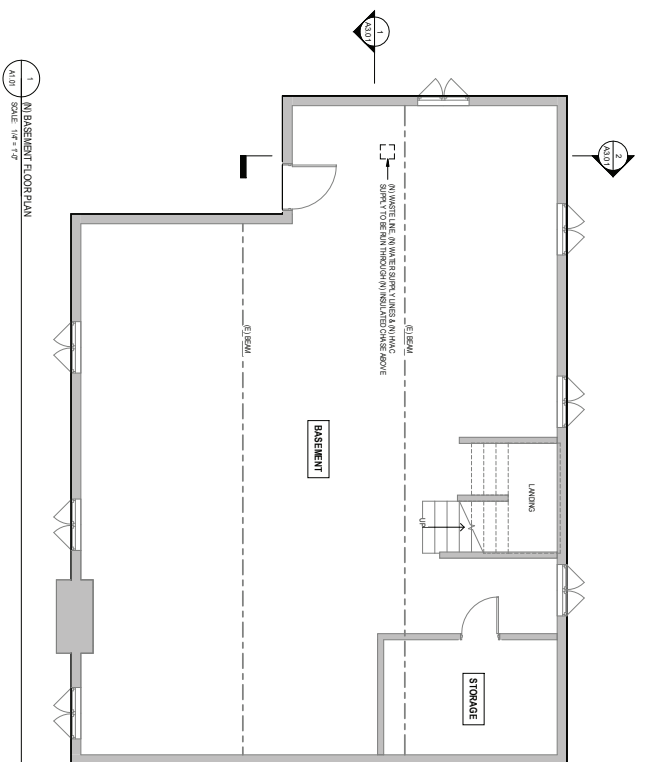
For Zoning Code in Effect Post October 1, 2022

ZONING

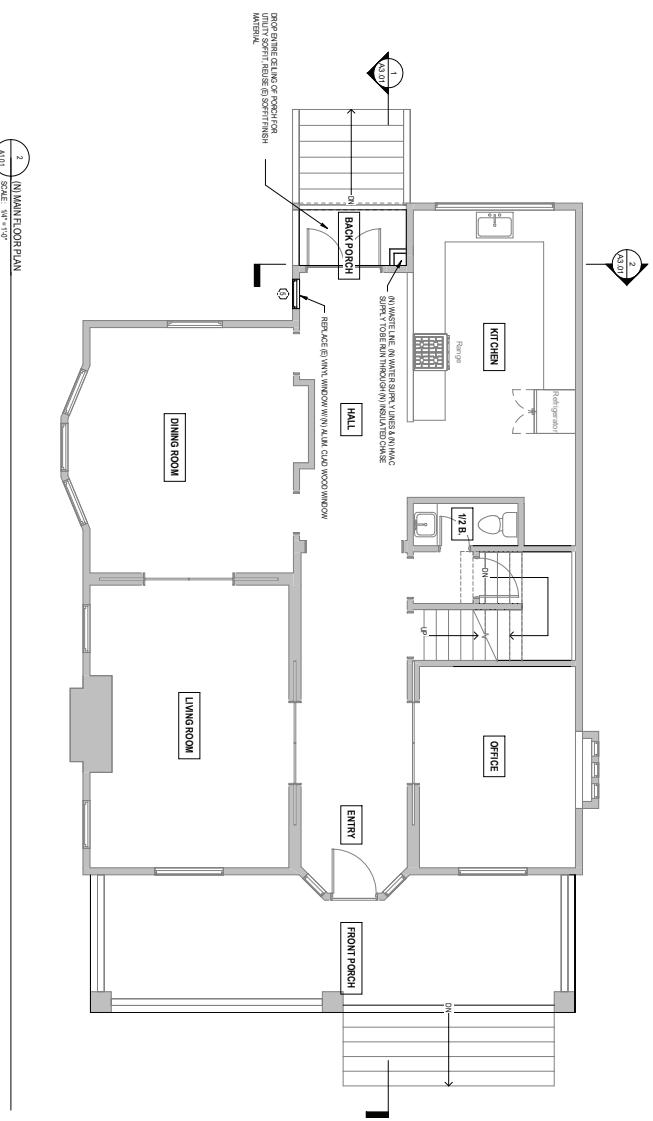
THIS SITE LIES WITHIN THE:
IRVINGTON HISTORIC DISTRICT

-  Site
-  Plan District
-  Historic Landmark

File No.	<u>LU 23 - 033315 HR</u>
1/4 Section	<u>2832</u>
Scale	<u>1 inch = 200 feet</u>
State ID	<u>1N1E26DA 10600</u>
Exhibit	<u>B</u> <u>Apr 19, 2023</u>



1 BASEMENT FLOOR PLAN
 A1.01
 SCALE: 1/4" = 1'-0"



2 MAIN FLOOR PLAN
 A1.01
 SCALE: 1/4" = 1'-0"



LIMINAL
 Shift
 838 BELLEVUE
 PORTLAND, OR 97202
 503.254.4265

CONSULTANT

UNPROCESSED
 This is a preliminary drawing and is not for construction. It is subject to change without notice. The user assumes all liability for any errors or omissions. No warranty is made by the consultant for any use of this drawing.

WATKINS REMODEL
 2201 NE 23RD AVE.
 PORTLAND, OR 97212
 JOB NUMBER: 2301010
 PERMIT DOCUMENTS

DRAWING NO.
 CHECKED BY: [Name]
 DESIGNED BY: [Name]
 DATE: [Date]

SHEET TITLE
BASEMENT & MAIN FLOOR PLAN

SHEET NUMBER

A1.01

LU 230101015 HR - EDWIN CZ

