



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

Dan Saltzman, Commissioner  
Paul L. Scarlett, Director  
Phone: (503) 823-7300  
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[www.portlandoregon.gov/bds](http://www.portlandoregon.gov/bds)

**Date:** April 20, 2012  
**To:** Interested Person  
**From:** Mark Bello, Land Use Services  
503-823-7810 / [Mark.Bello@portlandoregon.gov](mailto:Mark.Bello@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 reasons for the decision are included in this notice. If you disagree with the decision, you can appeal it and request a public hearing. Information on how to appeal this decision is listed at the end of this notice.

### **CASE FILE NUMBER: LU 12-118996 HDZ** **IRVINGTON HISTORIC DISTRICT/EXTERIOR ALTERATIONS TO RESIDENCE**

#### **GENERAL INFORMATION**

**Applicant:** David A Schrader  
2946 NE 9th Ave  
Portland, OR 97212  
  
Matthew McCune  
McCune Design LLC  
2812 NE 8th Ave  
Portland OR 97212

**Site Address:** 2946 NE 9TH AVE

**Legal Description:** BLOCK 101 LOT 15, IRVINGTON  
**Tax Account No.:** R420422790  
**State ID No.:** 1N1E26BD 05800  
**Quarter Section:** 2731  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-445-1321.  
**District Coalition:** Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.

**Other Designations:** Contributing resource in the Irvington Historic District that was listed in the National Register of Historic Places on October 22, 2010.

**Zoning:** R5, Residential 5,000  
**Case Type:** HDZ, Historic Design Review  
**Procedure:** Type II, an administrative decision with appeal to the Landmarks Commission.

**Proposal:** The applicant is seeking Historic Design Review approval for a proposal to make the following exterior alterations to a contributing resource in the Irvington Historic District:

The residence is a 1909 bungalow. The applicant plans a kitchen remodel, enclosing an existing mud room. Exterior alterations include a new deck with railings. Above, eaves will be extended 2'-6" to a total of 5', sheltering part of the deck.

New architectural elements include three double-hung wood windows and a new door that match existing (one new window replacing existing). The handrail for the deck will match handrails at the front of the house.

**Relevant Approval Criteria:**

In order to be approved, this proposal must comply with the approval criteria of Title 33. The relevant criteria are:

- 33.846.060 G – Historic Approval Criteria

## ANALYSIS

**Site and Vicinity:** The subject site, evaluated as a contributing resource in the National Register nomination document for the Irvington Historic District, is identified as the E. C. Stephens House, presumably after early owners or residents. The house was built in 1909 in the Shingle style.

The 5,000 square foot site occupies the central portion of a block bounded by NE Siskiyou and NE Stanton Streets and by NE 9<sup>th</sup> and NE 10<sup>th</sup> Avenues. Adjacent lots to the north and south are also developed with contributing single-family residences. The applicant's proposed exterior alterations extend within 5'-3" of the south property line. To the south, the Eric Peterson house, at 2938 NE 9<sup>th</sup> Avenue is listed as a two-story foursquare (type).

Other lots to the north, south, and east of the site are all occupied by older multi-story, single-family residences. The surrounding area within several blocks of the site is similarly characterized by older homes of various architectural styles built in the 1910s and 1920s. The nearest commercial development is located along NE Martin Luther King Boulevard to the west and along NE Fremont Street to the north. Irving Park is located approximately one block north of the site. NE Siskiyou and NE Stanton Streets, along with NE 9<sup>th</sup> and NE 10<sup>th</sup> Avenues, are all identified as Local Service Streets in the Portland Transportation System Plan.

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. Other deed restrictions excluded minority groups, established uniform front setbacks, and required minimum expenditure on new buildings. 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 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.

**Zoning:** The single-dwelling zones, including R5, are 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.

The Historic Resource Protection Overlay zone protects certain historic resources in the region and preserves significant parts of the region's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting the region. The regulations foster pride among the region's citizens in their city and its heritage. Historic preservation beautifies the city, promotes the city's economic health, and helps to preserve and enhance the value of historic properties.

**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 March 20, 2012. The following Bureaus have responded with no issues or concerns:

1. Bureau of Environmental Services
2. Bureau of Transportation Engineering and Development Review
3. Water Bureau
4. Fire Bureau
5. Site Development Review Section of BDS
6. Bureau of Parks, Forestry Division
7. Life Safety Plans Examiner

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on March 20, 2012. The land use committee of Irvington Neighborhood reviewed this proposal and has no objections. No written responses have been received from notified property owners in response to the proposal.

## **ZONING CODE APPROVAL CRITERIA**

### **Chapter 33.846.060 - Historic Design Review**

#### **Purpose of Historic Design Review**

Historic Design Review ensures the conservation and enhancement of the special characteristics of historic resources.

#### **Historic Design Review Approval Criteria**

Requests for historic design 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 Design Review approval is required. The approval criteria are those listed in 33.846.060 G – Other Approval Criteria.

*Staff has considered all guidelines and addressed only those applicable to this proposal.*

### **33.846.060 G - Other Approval Criteria**

**1. Historic character.** The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided.

**Findings:** The designated property is the Irvington Historic District. While the subject resource may qualify for individual designation, no such case has been made. Therefore this review examines only impacts on the historic district.

In general, Irvington's architectural styles and building types are composed of architectural details that are considered characteristic of their particular styles and period of construction. These details included the use and integration of natural building materials such as horizontal clapboard, double-hung wood windows, lap siding, shingles and shakes and other elements such as double-hung sash and fixed-pane wood windows. The proposed shed roof for the new deck will match detail of the front porch. The deck hand rail will match the existing front porch handrail system. Siding, trim and paint colors will match the house. These architectural features are typical of the district.

*This criterion is met.*

**2. Record of its time.** The historic 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.

**7. Differentiate new from old.** New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old.

**Findings for 2 and 7:** The proposed alterations that will have a visual impact on the historic district are too minor to create a false sense of historic development. *These criteria are met.*

**8. Architectural compatibility.** New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale, and architectural features. When retrofitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource.

**10. Hierarchy of compatibility.** Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation District, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

**Findings for 8 and 10:** The proposal achieves compatibility with the existing house through the use of similar proportions, materials, trims, and finishes. It is compatible with the historic district because the alterations that affect the street views are very minor and employ proportions, materials, trims, and finishes typical of the 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 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 exterior alterations will allow the owners to remodel the house and add functional outdoor living space without having an adverse effect on the character of the Irvington Historic District. The purpose of the Historic Design 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 Design Review criteria and therefore warrants approval.

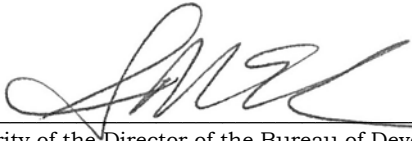
## ADMINISTRATIVE DECISION

Approval of exterior alterations including enclosing a mudroom, building a new deck with railings, eaves extending 5 ft. over the deck, and installing three double-hung windows and new door, on a contributing resource in the Irvington Historic District:

Approval per Exhibits C-1 through C-4, signed and dated April 17, 2012, subject to the following condition:

- A. As part of the building permit application submittal, each of the 4 required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1-C.4. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-118996 HDZ. No field changes allowed."

**Staff Planner: Mark Bello**

**Decision rendered by:**  **on April 17, 2012**  
By authority of the Director of the Bureau of Development Services

**Decision mailed: April 20, 2012**

**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 8, 2012, and was determined to be complete on **March 16, 2012**.

*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 8, 2012.

*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: July 14, 2012.**

**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, which will hold a public hearing. Appeals must be filed **by 4:30 PM on May 4, 2012** at 1900 SW Fourth Ave. Appeals can be filed Tuesday through Friday on the first floor of the Development Services Center until 3 p.m. After 3 p.m. and Mondays, appeals must be submitted to the receptionist at the front desk on the fifth floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional 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](http://www.portlandonline.com).

**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 550 Capitol St. NE, Suite 235, Salem, Oregon 97301, 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 must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **May 7, 2102**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- By Mail: Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- In Person: Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034  
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.

Zone Change and Comprehensive Plan Map Amendment approvals do not expire.

**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.

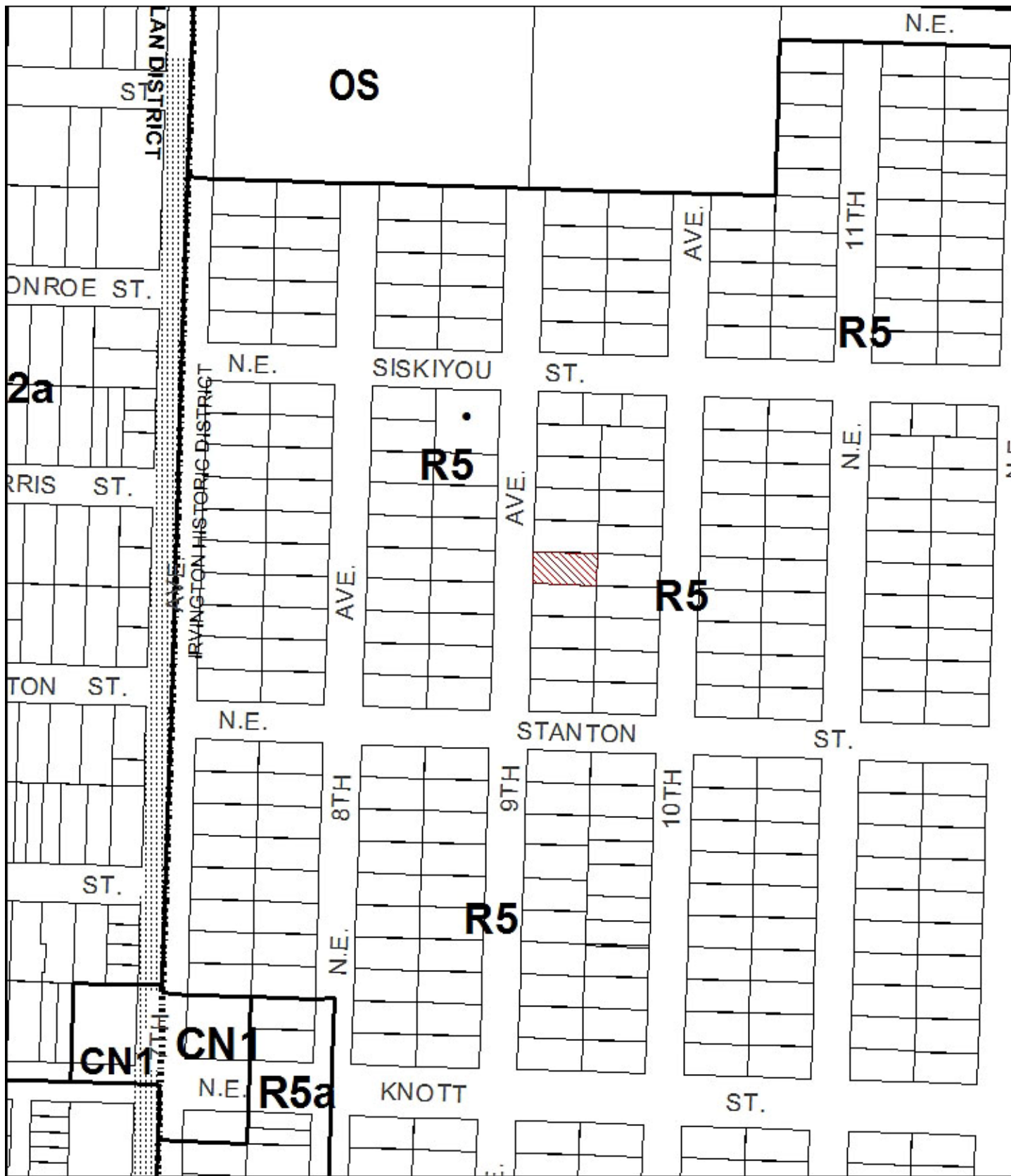
#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. North, East and West Elevations (attached)
  - 3. South Elevations (attached)
  - 4. Exterior Details (attached)
  - 5. Existing Floor Plan
  - 6. Proposed Floor Plan
  - 7. Interior Elevations
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Bureau of Environmental Services
  - 2. Bureau of Transportation Engineering and Development Review
  - 3. Water Bureau
  - 4. Fire Bureau
  - 5. Site Development Review Section of BDS
  - 6. Bureau of Parks, Forestry Division
  - 7. Life Safety Plans Examiner
- F. Correspondence:
  - 1. April 9, 2012, Land Use Committee, Irvington Neighborhood, no objection
- G. Other:
  - 1. Original LU Application
  - 2. Site History Research
  - 3. Architectural Survey Data for Irvington Historic District, page 190

**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).**





# ZONING



Site



Historic Landmark



NORTH

This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No. LU 12-118996 HDZ

1/4 Section 2731

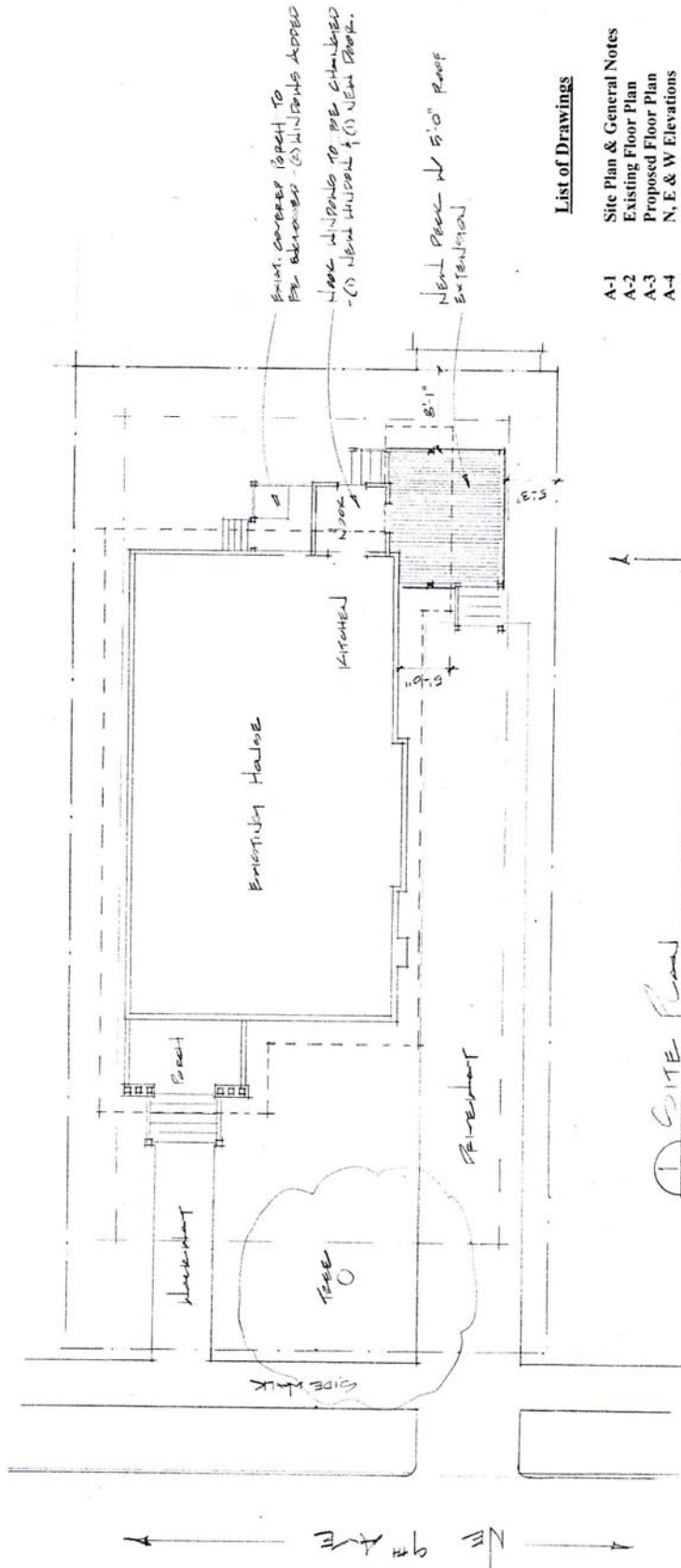
Scale 1 inch = 203 feet

State\_Id 1N1E26BD 5800

Exhibit B (Mar 19,2012)

# Schrader

## Residence



## List of Drawings

- |     |                           |
|-----|---------------------------|
| A-1 | Site Plan & General Notes |
| A-2 | Existing Floor Plan       |
| A-3 | Proposed Floor Plan       |
| A-4 | N, E & W Elevations       |
| A-5 | South Elevation           |
| A-6 | Exterior Details          |
| A-7 | Interior Elevations       |

### Dramatis Personae

**Site:**  
2946 NE 9<sup>th</sup> Ave.  
Portland, OR

**Client:** David and Thi Schrader

**Designer:**  
McCune Designs, LLC  
Matthew McCune  
2812 NE 8<sup>th</sup> Ave  
Portland, OR 97212  
503-789-5086  
matthew@mccunedesign.com

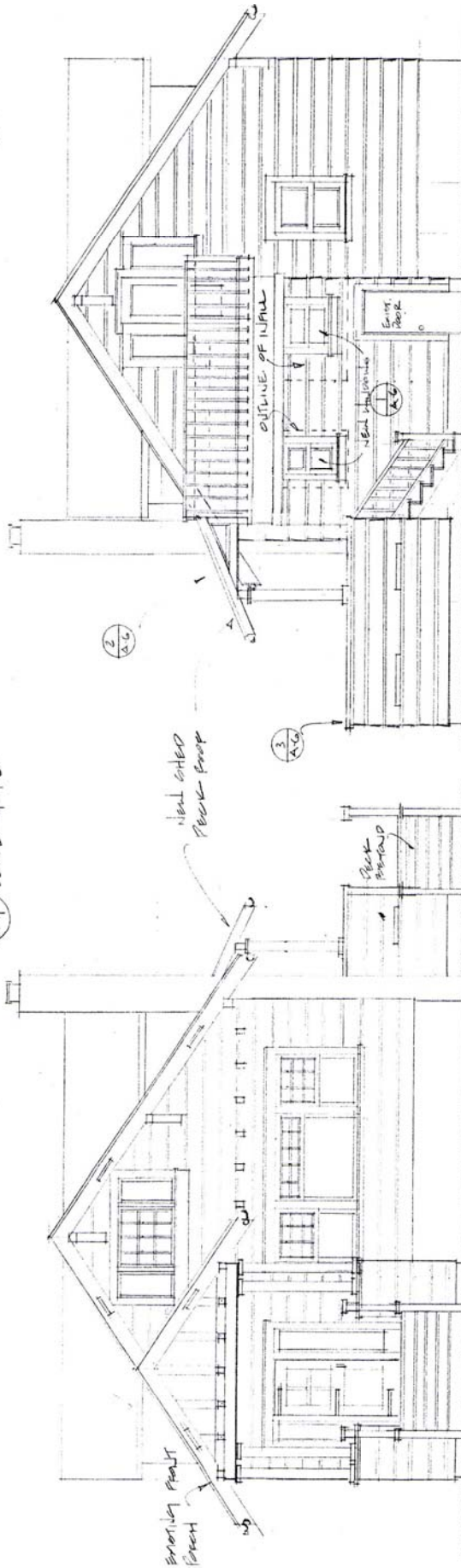
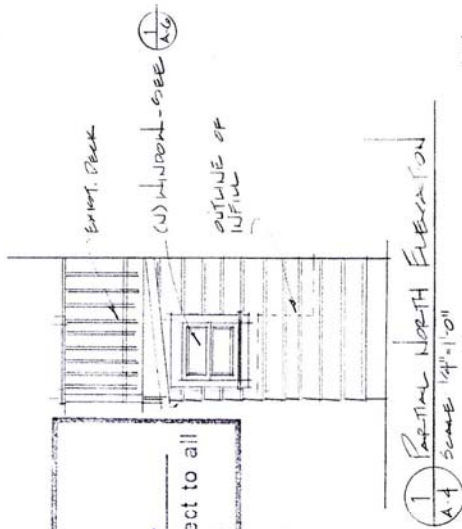
**Engineer:**  
BKF Inc.  
Robert McClung  
2700 SE Harrison St.  
Milwaukie OR, 97222  
503-607-0481

Player

\* This approval applies only to the conditions of approval. Additional zeroing may apply.

CASE NO. 12-118996  
EXHIBIT C1

A-4 N, E & W Elevations

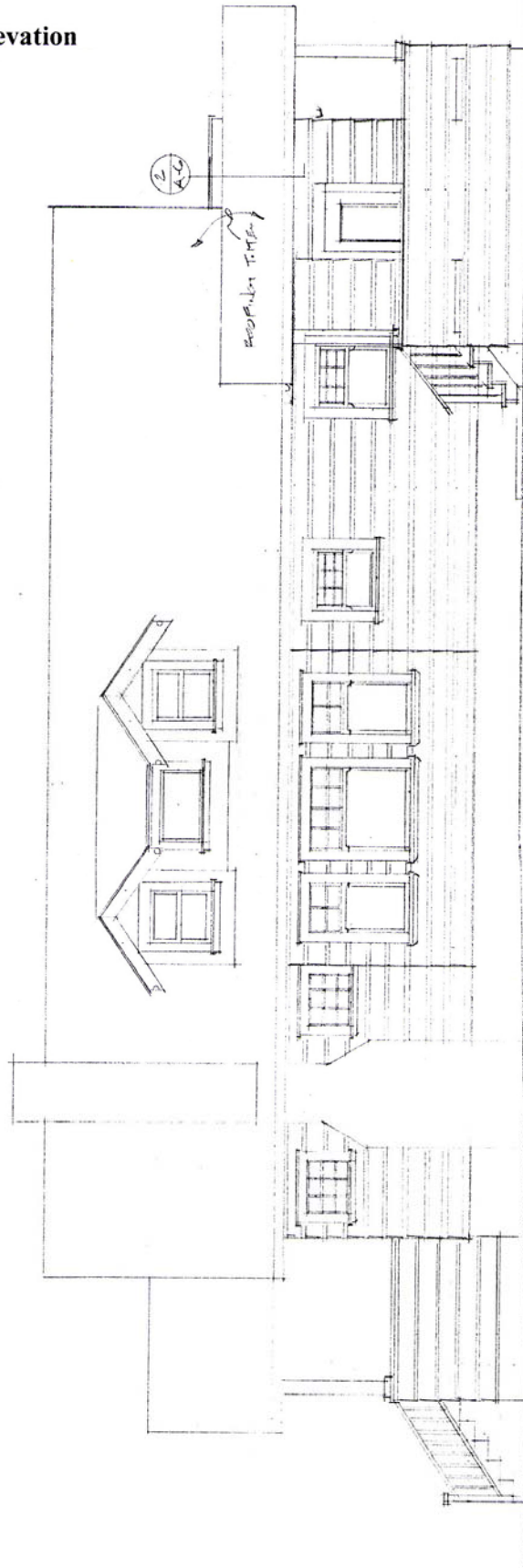


Planner: MB 4/17/12  
 \* This drawing is prepared by the Architect and is subject to all conditions of the contract documents and any amendments may apply.

CASE NO. 12118976  
 EXHIBIT C-2

A-5

South Elevation



Planner  
 \* This drawing is for informational purposes only and is subject to all conditions as shown on the plans. No warranty is made by the Planner.

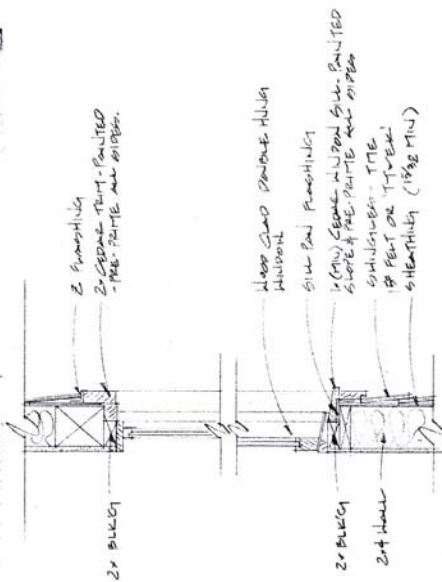
4/17/12

CASE NO. 12-118916  
 EXHIBIT 63

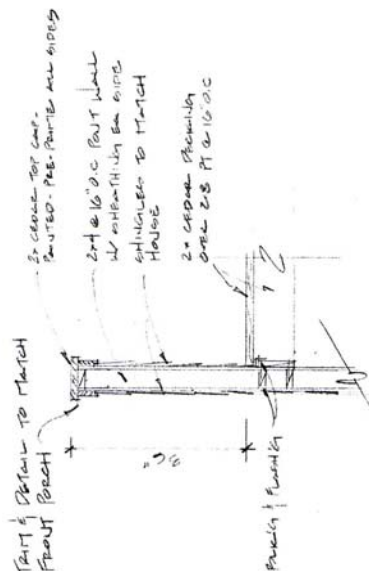
1 SOUTH ELEVATION  
 AS SCALE 1/4" = 1'-0"



subject to all  
apply.



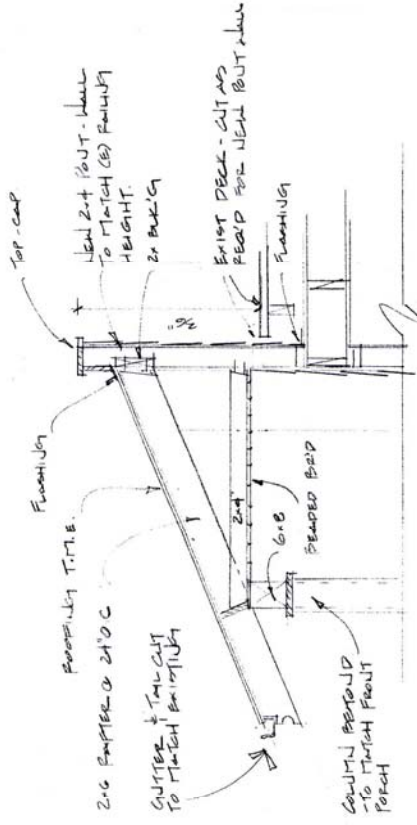
① 11 Point Test  
Date: 8/10



3 Deck Guard Rail  
A-G  
Picave:  $\frac{3}{4}'' = 1'' 0''$

CASE NO. 12118996  
EXHIBIT C4

## A-6 Exterior Details



2 Deck Roof  
A.C. Grade:  $\frac{3}{4}'' = 1.0''$