



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

Dan Saltzman, Commissioner
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Date: August 13, 2012
To: Interested Person
From: Hillary Adam, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The 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 12-156522 HDZ – EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant: Sarah Steinberg, Designer
The Sakura Group
2415 NE Broadway
Portland, OR 97232

Steven Woolgar, Owner
Helen Opie, Owner
2417 NE 11th Ave
Portland, OR 97212

Site Address: 2417 NE 11TH AVE

Legal Description: BLOCK 93 LOT 4, IRVINGTON
Tax Account No.: R420421060
State ID No.: 1N1E26CA 05700
Quarter Section: 2831

Neighborhood: Irvington, contact Dean Gisvold at 503-284-3885.
Business District: North Portland Business Assoc, contact Jim Schaller at 503-517-9915.
District Coalition: Northeast Coalition of Neighborhoods, contact Shoshana Cohen at 503-823-4575.

Plan District: None
Other Designations: Contributing resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2012.

Zoning: R5a – Residential 5,000 with Alternative Design Density overlay and Historic Resource Protection overlay

Case Type: HDZ – Historic Design Review
Procedure: Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant proposes to:

- On the south (side) façade, remove a pair of double-hung aluminum windows and replace them with a pair of smaller wood double-hung windows of similar size to other windows on the house;
- On the west (rear) façade, remove one existing aluminum double hung window, and one existing divided light door with small bracketed shed roof and decorative chain, and replace them with a pair of wood divided light doors with a wider shed roof utilizing the existing brackets and decorative chain.

Because the proposal is for exterior alterations to a contributing resource in a historic district, historic design review is required.

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 Other Approval Criteria

ANALYSIS

Site and Vicinity: The subject property is a 2½-story single family dwelling built in 1909 by John Russell in the Bungalow style. The house's distinctive characteristics include a full-width side entry front porch, front-facing gable with decorative bargeboards and brackets, fluted corner boards, shingle siding and decorative dentils at the 3rd level. There is a single-car garage on the property, listed as contributing to the 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. 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. 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.

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 Protection overlay is comprised of Historic and Conservation Districts, as well as Historic and Conservation Landmarks and 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.

The Alternative Design Density "a" overlay is in place to focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

Land Use History: City records indicate there are no prior land use reviews for this site.

Public Notice: A "Notice of Proposal in Your Neighborhood" was mailed July 17, 2012.

Agency Review: None of the notified Bureaus has responded with issues or concerns.

Neighborhood Review: The following written responses were received from either the Neighborhood Association or notified property owners:

- On July 19, 2012, Orville D. (Dale) Gunnoe wrote in favor of the proposal.
- On August 6, 2012, Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, wrote with no objections from the Committee.

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 applicant proposes to remove three non-historic aluminum double hung windows and one wood divided light door. The two windows on the south (side) façade will be wood double-hung windows, custom ordered to match some of the existing

windows in the house at 2'-10" square. The sill height is being raised from the existing condition in order to accommodate an interior counter. The divided light door on the rear façade may itself be non-historic, as Sanborn maps show evidence of a side entry at this corner of the house, rather than a rear entry. The new entry is proposed to be a pair of wood divided light doors, in keeping with the existing style. The existing overhang above the rear entry will be reconstructed to accommodate the new pair of doors, utilizing the existing brackets, and if possible, chain hardware. The proposal makes a concerted effort to retain and minimize alteration to historic materials. *This criterion is therefore 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.

Findings: No conjectural features are proposed. The windows are proposed to be the same size as other existing windows on the house and the details at the back entry, including the divided light door, overhang brackets and hardware, are to be carried over to the new design. The house, as a whole, will remain a record of its time. *This criterion is therefore met.*

3. Historic changes. Most properties change over time. Those changes that have acquired historic significance will be preserved.

Findings: No alterations are proposed to changes which may have acquired historic significance. *This criterion is not applicable.*

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 old 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.

Findings: As mentioned above, the windows to be replaced are non-historic, and the rear door as well may be non-historic. The new doors are proposed to match the existing in material and design. The new windows will match existing windows in size and style, but will be an improvement, more in keeping with the historic character of the house, through the choice of wood over aluminum. *This criterion is therefore met.*

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: No chemical treatments are proposed. *This criterion is therefore 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: No archaeological resources will be affected by the proposal. *This criterion is not applicable.*

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: The alterations proposed will not destroy the historic character of the property. The applicant intends to modify and retain certain character-defining elements, such as the back entry, as well as re-establish other character defining

elements such as wood double-hung windows. The new windows will be differentiated from the old in material. The doors will be less obviously differentiated from the old, but will be in keeping with the historic resource, with records to indicate their non-historic status. *This criterion is therefore 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.

Findings: As mentioned above, the new windows are sized to match some of the existing windows in the house and are therefore compatible. Currently, almost 1/3 of all of the windows on the house, 13 total, are 2'-10" square double hung, fixed, or awning windows. By adding two more windows at this size, the square window motif is further strengthened. In addition, the proposed pair of divided light doors is in keeping with the historic character of the house, as one divided light door already exists in this relative location. *This criterion is therefore met.*

9. Preserve the form and integrity of historic resources. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired.

Findings: If the proposed windows and doors are to be removed in the future, minor re-framing would have to occur in these locations, however the overall form and integrity of the historic resource will remain intact. *This criterion is therefore met.*

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: The proposed alterations, including the removal of non-historic aluminum windows and the installation of wood windows and divided light wood doors are compatible with the historic resource, its neighbors and the district as a whole. Wood windows and divided light doors at the rear are common architectural characteristics of the time period this house was constructed and the period of significance for the district. *This criterion is therefore 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

In order to accommodate the owner's desires for an alternate layout of the kitchen in the interior of the house, minor changes are proposed to the exterior. These changes are limited to the rear and the rear half of one side (south) façade and are in keeping with the historic character of the house. 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 new windows and doors on a contributing resource in the Irvington Historic District, including:

- On the south (side) façade, removal of a pair of double-hung aluminum windows and replacement with a pair of Jeld-Wen Custom Wood Double-Hung windows at 2'-10" square, set approximately 2"-4" back from the façade; and,
- on the west (rear) façade, the removal of one existing aluminum double hung window, and one existing divided light door with small bracketed shed roof and decorative chain, and replacement with a pair of Jeld-Wen 510 Custom Wood Glass Panel Exterior Door with a wider shed roof utilizing the existing brackets and decorative chain.

This decision is per the approved site plans, Exhibits C-1 through C-6, signed and dated August 8, 2012, subject to the following conditions:

- 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 through C-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 12-156522 HDZ. No field changes allowed."

Staff Planner: Hillary Adam

Decision rendered by:  **on August 9, 2012**
By authority of the Director of the Bureau of Development Services

Decision mailed: August 13, 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 June 29, 2012, and was determined to be complete on July 12, 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 June 29, 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.

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 Historic Landmarks Commission, which will hold a public hearing. Appeals must be filed **by 4:30 PM on August 27, 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.

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 Historic 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 Historic 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 **August 28, 2012 – (the day following the last day to appeal).**
- 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. Photos
 - 3. Existing Elevations (attached)
 - 4. Proposed Elevations (attached)
 - 5. Proposed Door & Window Section
 - 6. Kitchen Floor Plan & Renderings
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: none
- F. Correspondence:
 - 1. Orville D. (Dale) Gunnoe, July 19, 2012, wrote in favor of the proposal.
 - 2. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, August 6, 2012, wrote with no objections to the proposal.
- G. Other:
 - 1. Original LU Application

2. Site History Research
3. National Register Listing

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

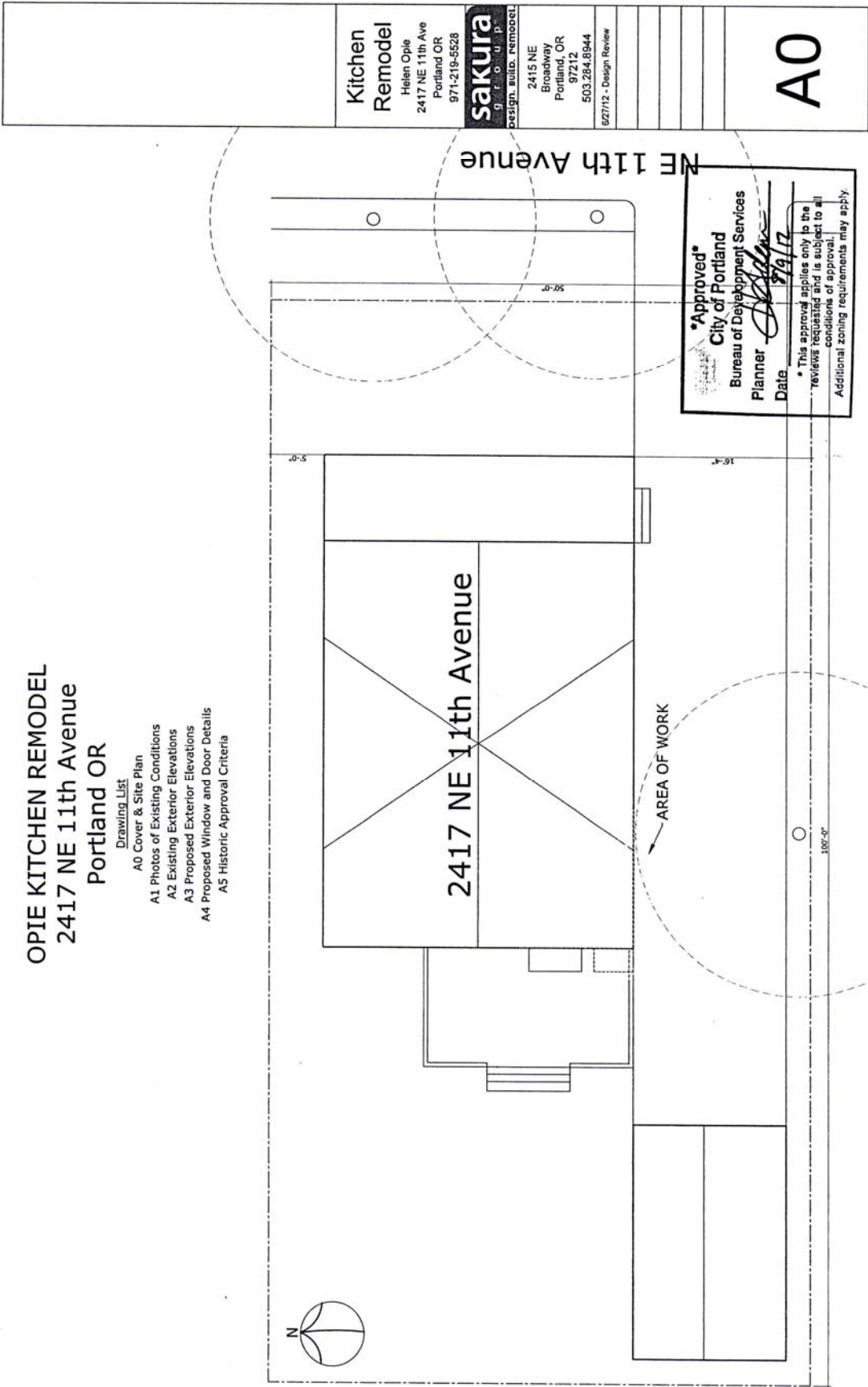


Historic Landmark



This site lies within the:
IRVINGTON HISTORIC DISTRICT

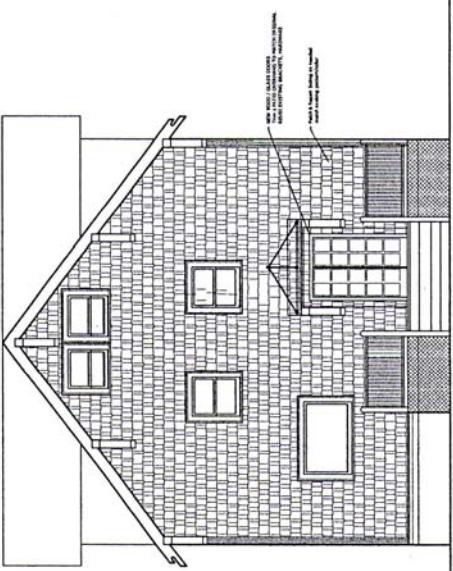
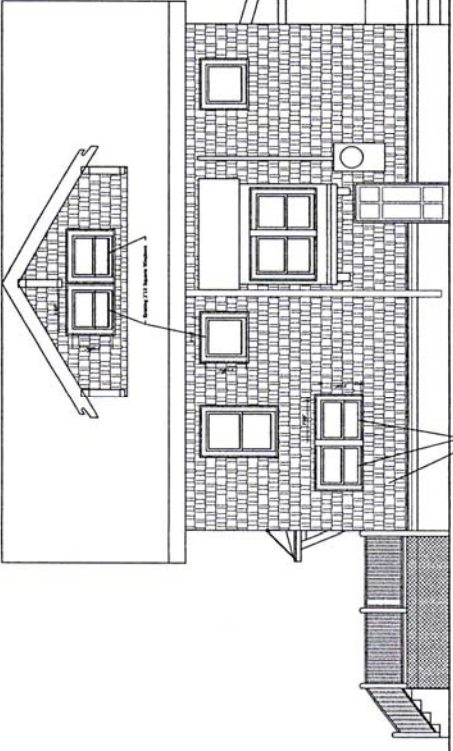
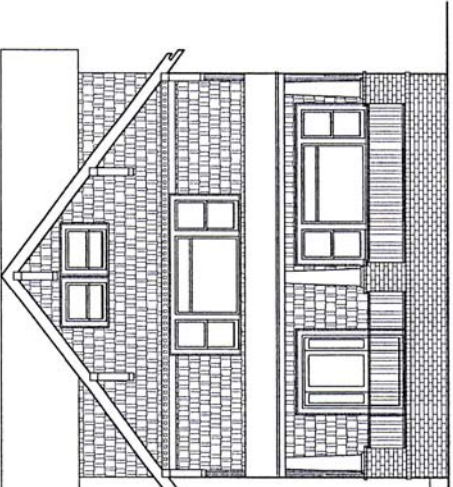
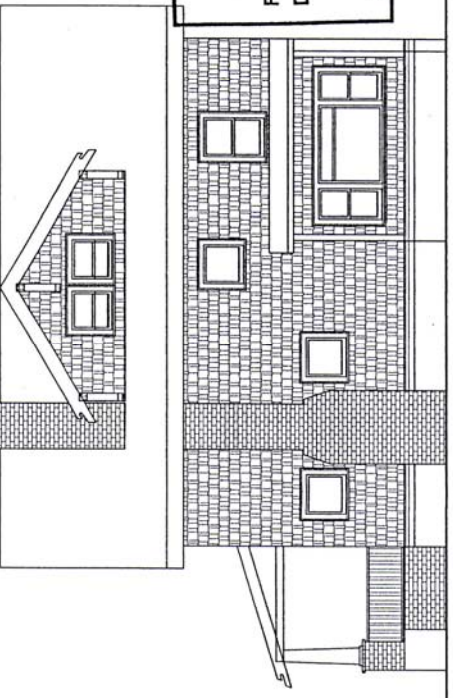
File No. LU 12-156522 HDZ
1/4 Section 2831
Scale 1 inch = 200 feet
State_Id 1N1E26CA 5700
Exhibit B (Jul 02,2012)



LU 12-156522 HDZ

		<p>BACK (WEST)</p>	<p>SOUTH</p>			<p>FRONT (EAST)</p>	<p>NORTH</p>	<p>*Approved* City of Portland Bureau of Development Services Planner <i>[Signature]</i> Date <i>8/19/12</i></p> <p>* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.</p>	<p>A2</p>	<p>Kitchen Remodel Helen Opie 2417 NE 11th Ave Portland OR 971-219-5528</p> <p>sakura design, build, remodel 2415 NE Broadway Portland, OR 97212 503.284.8944 927/12 - Design Review</p>
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EXISTING ELEVATIONS 1/8" = 1'-0"

 <p>BACK (WEST)</p>	 <p>SOUTH</p>	 <p>FRONT (EAST)</p>	 <p>NORTH</p>	<p>Kitchen Remodel Helen Opie 2417 NE 11th Ave Portland OR 971-219-5528</p> <p>sakura design, build, remodel 2415 NE Broadway Portland, OR 97212 503.284.8944 627/12 - Design Review</p>	<p>*Approved* City of Portland Bureau of Development Services Planner <i>[Signature]</i> Date <i>8/9/12</i></p> <p>* This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.</p> <p>A3</p>
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Proposed ELEVATIONS 1/8" = 1'-0"

LU 12-156522 HDZ