

## City of Portland, Oregon Bureau of Development Services

Land Use Services

Amanda Fritz, Commissioner Paul L. Scarlett, Director Phone: (503) 823-7300 Fax: (503) 823-5630 TTY: (503) 823-6868 www.portlandoregon.gov/bds

FROM CONCEPT TO CONSTRUCTION

Date:May 27, 2015To:Interested PersonFrom:Arthur Graves, Land Use Services<br/>503-823-7803 | Arthur.Graves@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, including the written response to the approval criteria and to public comments received on this application, are included in the version located on the BDS website

<u>http://www.portlandonline.com/bds/index.cfm?c=46429</u>. 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 15-129136 HR: EXTERIOR ALTERATIONS GENERAL INFORMATION

Applicant:	Maria Floyd Cohen, Maria Cohen Design   503.381.0366 33 N Holman Street  Portland, OR 97217		
Owner(s):	Joshua Boverman and Kelly L Hubert 3041 NE 25th Avenue   Portland, OR 97212		
Site Address:	3041 NE 25 <sup>th</sup> Avenue		
Legal Description: State ID No.: Neighborhood:	BLOCK 9 LOT 1, EDGEMONT 1N1E25BB 19800 Alameda, contact Jim Brown at 5 Gisvold at 503-284-3885.	<b>Tax Account No.:</b> <b>Quarter Section:</b> 503-284-6455.Irvingtor	2733
<b>Business District:</b>	North-Northeast Business Assoc, Joice Taylor at 503-841-5032.		
District Coalition:	Northeast Coalition of Neighborhoods, contact info@necoalition.org		
Other Designations:	Contributing resource in the Irvington Historic District, listed in the		
7	National Register of Historic Places on October 22, 2010.		
Zoning:	R5: Single-Dwelling Residential Zone HR: Historic Resource Review		
Case Type:			
Procedure:	Type II, an administrative decision with appeal to the Landmarks Commission.		

#### Proposal:

The applicant seeks Historic Resource Review approval for alterations to a contributing 1927 corner residence in the Irvington Historic District. Alterations to the residence include the following.

Note: the proposal has changed from the original April 14, 2015 submittal. In response to the Irvington Community Association (ICA) comments regarding the size of the proposed dormer the applicant decreased the north dimension by 4 additional feet for a total setback from the north wall of 6 feet. The south setback was increased by an additional 2 feet for a total setback of 4 feet from the south wall.

East façade (front: NE 25<sup>th</sup> Ave. facing elevation):

- Removal of existing non-original railing and installation of new historically accurate wood railing.
- Window Replacement first floor:
  - Two existing non-original, damaged and deteriorated wood windows with new wood windows of approximately the same size in the same location.
- Window Replacement second floor:
  - Two existing windows, one an aluminum slider window with a wood clad casement window of the same size, in the same location and the other a deteriorating wood window. Both to be replaced with new wood windows of approximately the same size in the same location.
- North façade (side: NE Siskyou Street facing elevation):
  - Window Replacement first floor:
    - One existing aluminum slider window with a wood clad casement window of the same size, in the same location.
  - Window Replacement second floor:
    - Three deteriorated and damaged wood windows to be replaced with two wood casements flanking a picture egress window.
    - Installation of new wood window on the north side of the proposed west facing dormer addition.
- <u>West façade (rear elevation):</u>

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- Installation of new dormer addition to the second story to be approximately 220 square feet in size. This addition includes 4 new wood egress casement windows to the west façade. Trim and siding to match existing contributing resource.
- Window Replacement first floor:
  - One existing aluminum slider window with a wood clad double hung window of the same size, in the same location.
  - One deteriorated and damaged original wood window with a wood clad picture window.
- Installation of new 6' wide wood clad French doors in the location of an existing aluminum window to be removed.
- $_{\odot}$   $\,$  Installation of a new 48 square foot wood landing on exterior of the west elevation.
- <u>South façade (side elevation):</u>
  - New Windows first floor:
    - Two wood clad picture windows are proposed, one on east side, the other on the west side, of the existing chimney.
  - Window Replacement first floor:
    - One existing aluminum slider window with a wood clad awning window of the same size, in the same location.
    - One existing deteriorated and damaged original wood window with a wood clad casement egress window of the same size in the same location.
  - New Windows second floor:
    - One new wood window on the south side of the proposed west facing dormer addition.
  - Window Replacement second floor:
    - One deteriorated and damaged original wood window with a wood clad; two casements flanking a picture egress window.
    - One existing aluminum slider window with a wood clad picture window of the same size, in the same location.
    - One existing aluminum slider window with wood clad egress casements windows of similar size, in the same location.

Historic resource review is required for exterior alterations to contributing structures such as this one in the Irvington Historic District.

#### **Relevant Approval Criteria:**

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

• 33.846.060.G Other Approval Criteria

#### ANALYSIS

#### Site and Vicinity:

Constructed in 1927, the site is located in the northeast quadrant of the Irvington Historic District. The contributing structure, and contributing garage to the west, sit on the 5,000-square-foot corner lot adjacent to NE 25<sup>th</sup> Avenue to the east and NE Siskiyou Street to the north. The subject property was constructed in the English Cottage style in 1927. The east elevation is the formal front façade to the resource.

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 address. 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 after original construction, but still within the historic period, were sometimes built at the sidewalk and/or out of architectural character with the house.

Regarding area amenities in proximity to the site, the structure is located within a five minute walk (approximately a quarter-mile) of a number of resources. These amenities include a local garden store, restaurants, cafes, a parish and an elementary school.

Regarding transportation surrounding the site, according to the Transportation System Plan (TSP) bus transit service is provided to the site on NE 24<sup>th</sup> Ave by the #17. NE Klickitat Street is designated as a City Bikeways under the TSP.

#### **Zoning:**

The <u>Residential 5,000</u> (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 <u>Historic Resource Protection</u> 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.

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

• <u>LU 64-035307 (Reference #VZ 282-64)</u>: Approval to increase the height of a fence.

**Agency Review:** A "Notice of Proposal in Your Neighborhood" was mailed **April 14, 2015**. The following Bureaus have responded with no issues or concerns:

- Water Bureau: Terry Wenz: April 27, 2015. (Exhibit E-1)
- Bureau of Development Services Life Safety / Building Code Section: Nauman Quraishi: April 28, 2015. (Exhibit E-2)

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on April 14, 2015. A total of three written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on May 05, 2015, wrote with objections to the size and style of the proposed dormer addition to the contributing resource at a corner lot. See Exhibit F-1 for additional details.

Staff response: The proposed shed style dormer, which was originally designed with a 2'-0" set back at the north and south, does not compete with the original design and structure of the contributing resource. Staff was prepared to approve this original proposal. In addition the proposed alteration is consistent with other adjacent sites, principally 3042 NE 24<sup>th</sup> and 3104 NE 24<sup>th</sup> to the north, both of which are on contributing resources at corner lots, listed as English cottage style, constructed at the same time as the applicants residence- 1929/1930, and have shed dormers. Since the original notice however, the applicant has revised the proposal to 6'-0" and 4'-0" set backs in response to ICA concerns. As staff also finds this to meet the approval criteria, the revised proposal has been approved. See findings below for additional information.

- 2. Chad Stark, Irvington neighbor, on May 03, 2015, wrote in support of the proposed alterations as enhancing the structure and by extension the neighborhood and the Historic District. See Exhibit F-2 for additional details.
- 3. Ken Conforti, Irvington neighbor, on May 03, 2015, wrote in support of the proposed alterations to the structure. See Exhibit F-3 for additional details.

#### 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 nonexempt 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 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.

**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: The proposed window alterations will remove existing deteriorating and nonoriginal windows from the contributing resource and replace them with wood windows (see Exhibit C-11 for exact window schedule) of the same size, in the same locations, ensuring that the historic character of the house remains intact and architecturally correct. The two new wood windows proposed on either side of the existing brick chimney on the first story are not street facing, and are consistent with the existing datum of the surrounding windows while being respectful to other windows on the façade and the resource in general. These 2 proposed windows are both 2' x 2' and 2 over 2. The proposed railing will replace the existing non-original and historically inaccurate railing with a new wood railing appropriate to the time and style of the late 20's English Cottage styled residence. Lastly, the proposed dormer addition is consistent in scale, style and massing with other dormers found on adjacent contributing resources, at corners, also in the English Cottage style. Collectively these alterations will improve the usefulness and utility of the residence while maintaining the overall character, mass and style of the contributing resource. Therefore these criteria are met.

**3. Historic changes.** Most properties 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 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.

**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 3, 4 and 5:** The majority of windows being replaced are due to age, and deterioration. The proposed new windows will match existing deteriorating windows in style, size and dimension so as to be consistent with the historic character of the resource. No historic changes to the resource have been discovered or noted and so no historic changes have acquired historic significance requiring preservation. No chemical or physical treatments are proposed. *Therefore these criteria are met.* 

**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.

**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.

**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.

**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 7, 8, 9 and 10: The new wood windows proposed for this contributing resource will not alter the original character of the property as they will be placed within the same location as existing window openings and will be surrounded with matching trim and infill wood siding. The new wood windows will match existing original windows on the house in form and type, making them compatible with the size, scale, and architectural features present in this 1927 English Cottage styled house. The proposed shed dormer is compatible with the resource in that it is consistent with shed dormers found on other English Cottage style contributing resources of the same era in the area. The dormer does not compete with the original structure due to its reduced size and mass as well as its location on the west facade, which is not a direct street facing façade. Materials such as siding and trim on the dormer will also be consistent with materials and trim found on the structure. While the proposed dormer and windows make considerable effort to integrate into the original style and character of the 1920's resource they will be fabricated out of new material. This will give them a less weathered appearance which will differentiate them from older elements on the building. These criteria are 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

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

#### **ADMINISTRATIVE DECISION**

Approval of exterior alterations to a contributing resource in the Irvington Historic District including:

- The addition of a dormer to the west portion of the structure
- The removal of existing non-original or deteriorated windows from each elevation to be replaced with wood windows
- The installation of six new wood windows to the proposed dormer addition, two additional new wood windows to the south façade
- The removal of existing non-original railing to be replaced with a new historically accurate wood railing,

Approval, per the approved site plans, Exhibits C-1 through C-16, signed and dated May 21, 2015, 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-C.16. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-129136 HR. <u>No field changes allowed."</u> Staff Planner: Arthur Graves

#### Decision rendered by:



By authority of the Director of the Bureau of Development Services

#### Decision mailed: Wednesday, May 27, 2015.

**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 5, 2015, and was determined to be complete on **April 9, 2015**.

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 5, 2015.

*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: Friday, August 7, 2015.** 

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 Wednesday, June 10, 2015 at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 12:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 12:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5<sup>th</sup> 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

on Thursday, May 21, 2015.

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 <a href="https://www.portlandonline.com">www.portlandonline.com</a>.

**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 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 **Thursday**, June 11, 2015.
- 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.

**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 Submittal
  - 1. Applicant's Statement
  - 2. Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Plan: Proposed Basement
  - 3. Plan: Proposed First Floor
  - 4. Plan: Proposed Second Floor
  - 5. Elevation: Proposed North (attached)
  - 6. Elevation: Proposed East (attached)
  - 7. Elevation: Proposed South (attached)
  - 8. Elevation: Proposed West (attached)
  - 9. Elevation: Proposed New Railing
  - 10. Details: Proposed New Railing
  - 11. Details: Window Schedule
  - 12. Details: Window Section: A, B, C, and D
  - 13. Details: Window Section: E, F, and G
  - 14. Details: Window Section: H, I and J
  - 15. Details: Window Section: K, L and M
  - 16. Manufacture's cut sheets: windows and doors
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses:
  - 1. Water Bureau: Terry Wenz, April 27, 2015.
  - 2. Life Safety/Building Code Section of the Bureau of Development Services: Nauman Quraishi, April 28, 2015.
- F. Correspondence:
  - Dean P. Gisvold, on behalf of the Irvington Neighborhood Association, received May 05, 2015.
  - 2. Chad Stark, Irvington neighbor, May 03, 2015.
  - 3. Ken Conforti, Irvington neighbor, April 16, 2015.
- G. Other:
  - 1. Original LU Application
  - 2. Oregon Historic Site Record
  - 3. Site Visit Photos
  - 4. Incomplete Letter: March 25, 2015

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).



NORTH

IRVINGTON HISTORIC DISTRICT



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EXH C-CE





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