



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

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**Date:** May 07, 2015  
**To:** Interested Person  
**From:** Arthur Graves, Land Use Services  
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## **NOTICE OF A TYPE I 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 <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 15-128479 HR: EXTERIOR ALTERATIONS**

#### **GENERAL INFORMATION**

**Applicant:** Laura Migliori, Architect | 503.228.4921  
812 NW 17th Avenue | Portland, OR 97209

**Owner:** Paul D and Elizabeth C Ecker  
2405 NE 16th Avenue | Portland, OR 97212

**Site Address:** 2405 NE 16<sup>th</sup> Avenue

**Legal Description:** BLOCK 62 LOT 5, IRVINGTON  
**Tax Account No.:** R420413370  
**State ID No.:** 1N1E26DB 05200  
**Quarter Section:** 2832  
**Neighborhood:** Irvington, contact Dean Gisvold at 503-284-3885.  
**Business District:** North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032.

**District Coalition:** Northeast Coalition of Neighborhoods, contact [info@necoalition.org](mailto:info@necoalition.org)  
**Other Designations:** Contributing resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.

**Zoning:** R5a: Single-Dwelling Residential Zone (R5) with an alternative design density zone (a) 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 seeks Historic Resource Review approval for alterations to the contributing 1914 brick residence in the Irvington Historic District historically known as the Otto Schuman House. The proposed alterations to the residence, by façade, include the following:

- West façade (rear elevation):
  - Installation of new wood French folding doors in the location of the existing, non-original, French doors. To accommodate the proposed French doors this area will be widened approximately 5 feet to the south requiring the removal of an existing window. The brick removed in this process will be stored and utilized for future projects (see proposed changes to the north façade below).
  - A new basement egress window, which is exempt from historic review, is also proposed on this façade.
- North façade (side elevation):
  - Installation of new fiberglass basement window in existing opening.
  - Infill of existing non-original kitchen window with brick from previously mentioned French door area widening to match existing.
  - Installation of new wood windows (2) to the existing dormer. Currently there are no windows at this location.
  - A new basement egress window, which is exempt from historic review, is also proposed to this façade.
- South façade (side elevation):
  - Installation of two new fiberglass basement windows in existing openings.

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:**

The contributing structure sits on a 5,000-square-foot mid-block site near the heart of the Irvington Historic District. The residence, historically known as the Otto Schuman House, is a standard brick bungalow located between NE Brazee Street (to the north) and NE Thompson Street (to the south) and NE 15<sup>th</sup> Street (to the west) and NE 16<sup>th</sup> Street (to the east). The contributing resource is a two-story house with a contributing one-car garage in the southwest corner of the property.

Platted in the late Nineteenth Century, today's Irvington Historic District 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 single-dwelling zones, including the Residential 5,000 (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 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.

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 on **April 14, 2015**. No Bureaus have responded with concerns or issues.

**Neighborhood Review:** A Notice of Proposal in Your Neighborhood was mailed on **April 14, 2015**. One written response has 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 April 28, 2015, wrote with no objections. See Exhibit F-1 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 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 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.
3. **Historic changes.** Most properties change over time. Those changes that have acquired historic significance will be preserved.

**Findings for 1, 2 and 3:** The proposed alterations retain, preserve and ultimately improve the original historic character of the structure. This is done through the improvements being made to the non-original dormer on the north elevation in which wood windows are proposed that are consistent in size and style to original windows found on the structure. The historic character is also improved through the

considerate use and reuse of existing brick to both infill a non-original window on the north elevation and to correct the area below this window where non-original brick had previously been used as an infill material. The adaptive reuse of brick in this area is consistent with another brick infill feature on this elevation and is an aesthetically appropriate element that will acquire historic significance for the feature into the future. *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 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 4 and 5:** The proposed alterations will not damaged historic features true to the house. In addition, historically accurate materials, such as the unique brickwork found on the residence will be protected through the alterations. *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:** No significant earth disturbance is proposed. *Therefore, 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.

**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 7 and 8:** The proposed alterations will not destroy or negatively impact historic materials or features true to the contributing resource. Proposed alterations such as replacing the existing non-original French doors on the west elevation with wood folding French doors more consistent with the character to the resource is an improvement to the 1914 structure. In addition, while the proposed folding French doors are more in scale and architecturally compatible with the contributing resource than the doors to be removed they are at the same time clearly a contemporary element on the historic structure. *Therefore these criteria are 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.

**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 9 and 10:** The proposed alterations will not negatively impact the integrity or form of the historic resource. The removal of the current non-original French doors in favor of wood folding French doors more in style and scale with the resource will enhance the overall structure helping to preserve the form and integrity of the resource. The addition of the wood windows appropriate in style and scale to

the non-original dormer also help to add architectural merit and integrity to the overall structure. Lastly, the use existing original brick from the residence to infill the existing non-original window on the north elevation will also preserve the aesthetic and integrity of the resource into the future. Collectively, the proposed alterations to the resource will enhance and improve the structure as a contributing resource as well as the immediate adjacent neighborhood and the Irvington Historic District as a whole. *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 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 including two new wood windows to an existing dormer, three new fiberglass basement windows, brick infill of existing non-original window and installation of new wood folding French doors, per the approved site plans, Exhibits C-1 through C-7, signed and May 04, 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.7. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-128479 HR." **No field changes allowed.**

**Staff Planner: Arthur Graves**



**Decision rendered by:** \_\_\_\_\_ **on Monday, May 04, 2015.**

By authority of the Director of the Bureau of Development Services

**Decision mailed Thursday, May 07, 2015.**

**Procedural Information.** The application for this land use review was submitted on March 4, 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 4, 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 07, 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.

**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](http://www.portlandonline.com).

**Recording the final decision.**

If this Land Use Review is approved, the final decision must be recorded with the Multnomah County Recorder. A building or zoning permit will be issued only after the final decision is recorded. The final decision may be recorded on or after **Thursday, May 07, 2015**.

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.

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:

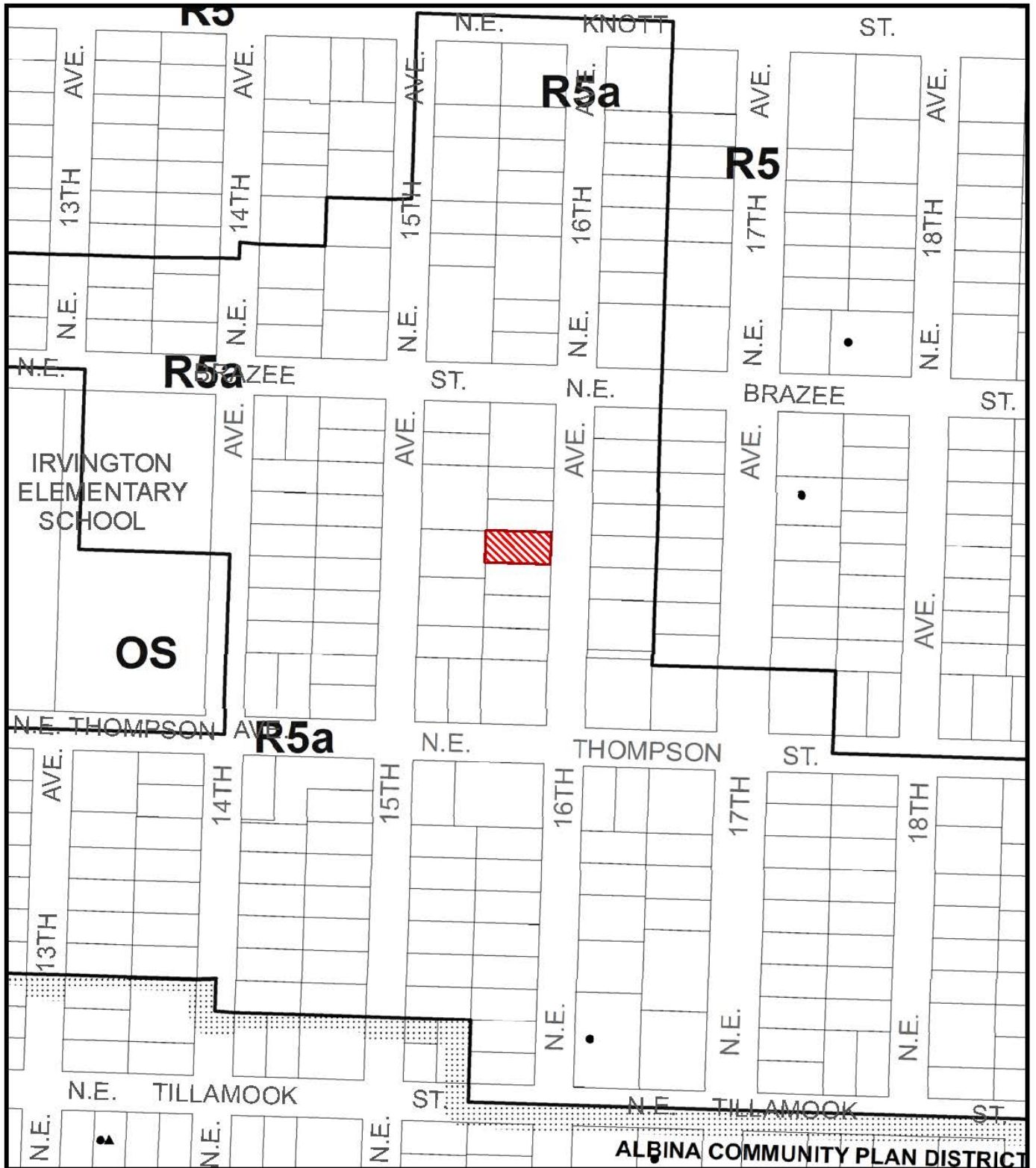
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

#### **EXHIBITS**

NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
  - 1. Applicant's Statement
  - 2. Site Photos
- B. Zoning Map (attached)
- C. Plans/Drawings:
  - 1. Site Plan (attached)
  - 2. Elevations: North and West (attached)
  - 3. Elevation: South (attached)
  - 4. Detail: Dormer Window Section – Head (Jamb Sim) Sill
  - 5. Detail: Basement Window Section – Head / Sill
  - 6. Detail: Head / Sill Folding Door
  - 7. Manufacture's cut sheets
- D. Notification information:
  - 1. Mailing list
  - 2. Mailed notice
- E. Agency Responses: No responses were received.
- F. Correspondence:
  - 1. Dean Gisvold, April 28, 2015, on behalf of the Irvington Neighborhood Association.
- G. Other:
  - 1. Original LU Application
  - 2. Site Photos
  - 3. Historic Information
  - 4. Incomplete Letter, dated March 26, 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).**



# ZONING



Site



Conservation Landmark



Historic Landmark



NORTH

This site lies within the:  
IRVINGTON HISTORIC DISTRICT

File No. LU 15-128479 HR

1/4 Section 2832

Scale 1 inch = 200 feet

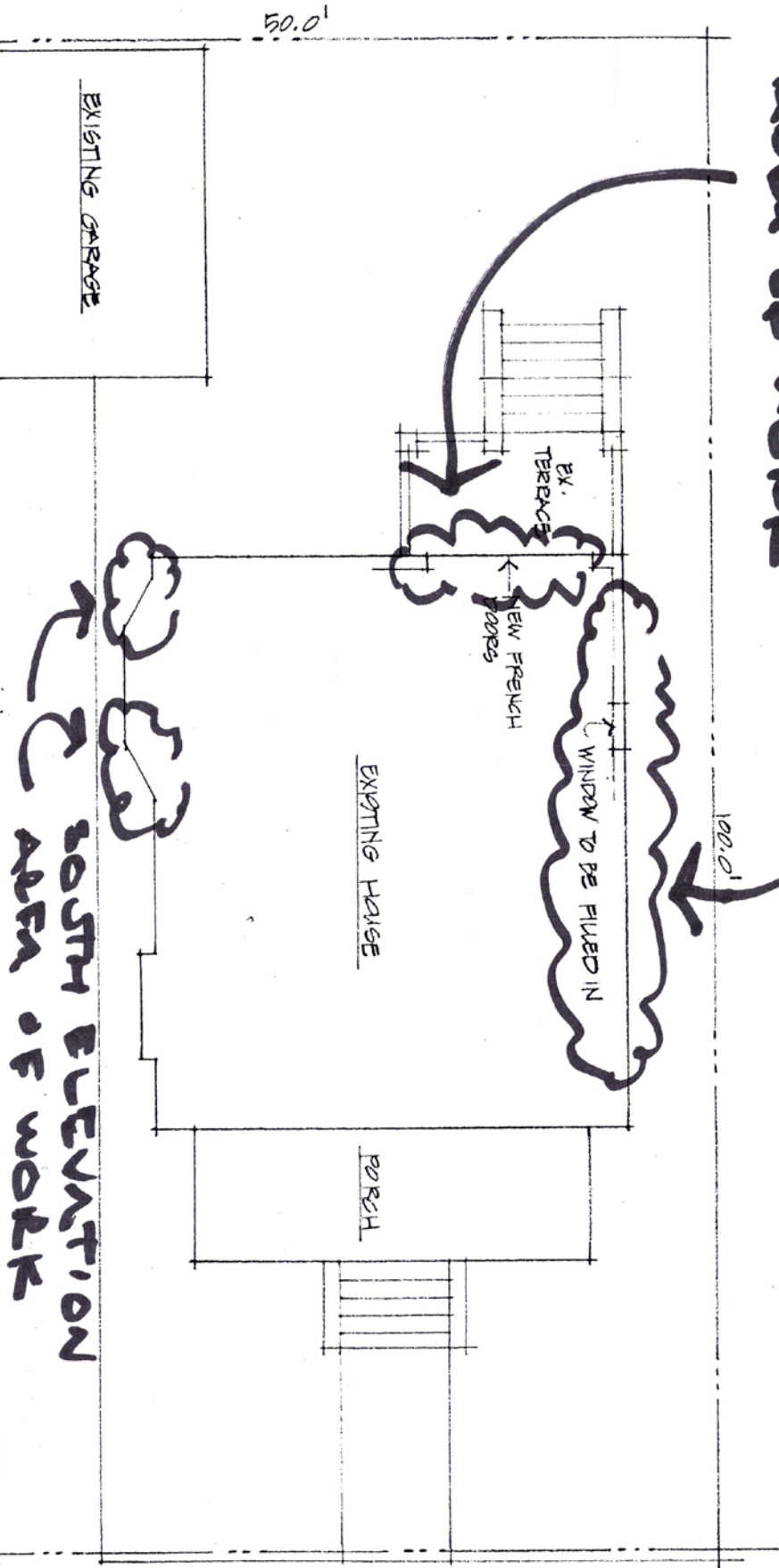
State Id 1N1E26DB 5200

Exhibit B (Mar 06, 2015)



**WEST ELEVATION  
AREA OF WORK**

**NORTH ELEVATION  
AREA OF WORK**



SITE PLAN • 1" = 10'-0"  
ECKER RESIDENCE • 2405 NE 16TH AVE

<b>*Approved*</b>	
City of Portland	
Bureau of Development Services	
Planner	_____/____/____
Date	5.5.15

\* This approval applies only to the reviews requested and is subject to all conditions of approval.  
Additional zoning review may be required.

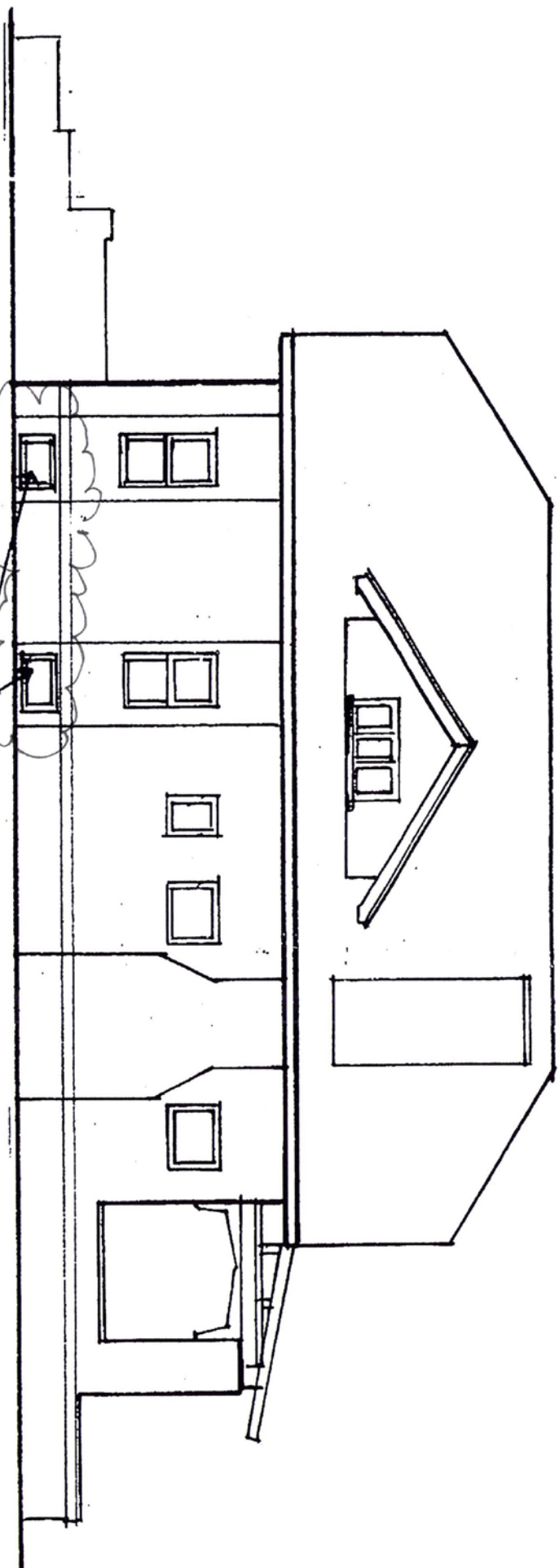
S.E. 16TH AVENUE

LS 15-128479 HR

EXH C-1







AREA OF WORK

NEW FIBERGLASS  
BASEMENT WINDOW

## SOUTH ELEVATION

<b>*Approved*</b>	
City of Portland	
Bureau of Development Services	
Planner	_____
Date	5.5.15
* This approval applies only to the reviews requested and is subject to all conditions of approval.	
Additional zoning requirements may apply.	

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EXH C-3