

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

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FROM CONCEPT TO CONSTRUCTION

Date: March 25, 2016

To: Interested Person

From: Hillary Adam, Land Use Services 503-823-3581 / Hillary.Adam@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 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 15-280017 HR - EXTERIOR ALTERATIONS

GENERAL INFORMATION

Applicant:	Annabelle Lee, Applicant Orange Design LLC 3530 N Mississippi Portland, OR 97227 Edmund B B Mccall, Owner Lora A Mccall, Owner 2207 NE Tillamook St Portland, OR 97212
Site Address:	2207 NE TILLAMOOK ST
Legal Description: Tax Account No.: State ID No.: Quarter Section: Neighborhood: Business District: District Coalition:	BLOCK 8 LOT 11&12, IRVINGTON R420401600 1N1E26DA 11000 2832 Irvington, contact Dean Gisvold at 503-284-3885. North-Northeast Business Assoc, contact Joice Taylor at 503-841-5032. Northeast Coalition of Neighborhoods, contact Lokyee Au at 503-388- 9030.
Plan District: Other Designations: Zoning:	None Contributing resource in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010. R5a – Residential 5,000 with Alternative Density Design and Historic
Case Type: Procedure:	Resource Protection overlays HR – Historic Resource Review Type II, an administrative decision with appeal to the Historic Landmarks Commission.

Proposal:

The applicant proposes the following exterior alterations:

- On the original portion of the house: on the west façade, introduction of one new wood window, just south of the addition; on the north façade, replacement of one window with one new wood window; on the east façade, replacement of a door and two existing windows with one wood window and a set of three wood windows, as well as removal of one other window. New wood windows are also proposed at the attic level, including enlargement on the north window for egress.
- At the 1970s addition at the north end of the house, replacement of existing windows on the west and north façades with new wood windows and replacement of an existing door and window with new wood sliding doors; and
- Construction of a new wood deck at the rear of the house.

All other windows to remain will be repaired, as necessary.

Note: The applicant originally proposed aluminum-clad wood doors at the east façade of the north addition, but has since revised these to wood.

Historic Resource Review is required because the proposal is for non-exempt exterior alterations in the Irvington Historic District.

Relevant Approval Criteria:

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

• 33.846.060.G Other approval criteria

ANALYSIS

Site and Vicinity: The subject property is a 10,000 square foot corner parcel with frontage on NE Tillamook Street and NE 22nd Avenue. The property is raised a few feet above the sidewalk and bordered by a stone wall with brick cap. The existing residence is a 2½ -story Foursquare constructed in 1902, and a contributing resource in the Irvington Historic District. The existing garage with living area above is a later addition, constructed in the late 1970s or 1980. Nearby structures primarily include single-dwelling residences as well as some multi-dwelling residences. Across NE Tillamook to the southwest is a large church building constructed in 1957 and its associated surface parking lots.

The Irvington Historic District was platted in 1887 and was one of the first subdivisions in Portland to employ restrictive covenants, including uniform setbacks, minimum construction expenditures, the exclusion of minorities and the exclusion of non-residential uses. The few non-residential uses allowed at the interior of the district were required to be designed to resemble residential buildings. Development of the neighborhood spread slowly from the south east corner toward the northeast, following the patterns of streetcar development, first along NE Broadway, followed by extensions north into the neighborhood. As the restrictive covenants expired, more commercial development occurred at the edge of the subdivision along NE Broadway through conversion of residential properties and new development. The district comprises an eclectic assortment of late 19th and early 20th century architectural styles, including Queen Anne, Craftsman, and Period Revival styles. Garages built during the period of significance were either built at the same time as the associated residences for the later developments, or were later additions to the earlier residences, and were most commonly located at the rear or front of the property.

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 the following prior land use review for this site:

• LU 77-036462 VZ (ref. file: VZ 367-77) – Zoning Variance to reduce the garage setback from the require 22' to 10' and to reduce the side yard setback from the required 5' to 4' in order to construct a garage.

Agency Review: A "Notice of Proposal in Your Neighborhood" was mailed **February 18, 2016**. The following Bureaus have responded with no issues or concerns:

• Life Safety Division of BDS

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on February 18, 2016. One written response has been received from either the Neighborhood Association or notified property owners in response to the proposal.

• Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on March 10, 2016, wrote suggesting minor revisions to the tripartite window above the garage, noting Committee disagreement regarding the proposed window changes on the east façade, objecting to the proposed use of aluminum-clad wood sliding doors and suggesting these should be wood, and noting some concerns with the fenestration on the east façade of the garage addition.

Staff note: Staff forwarded these comments to the applicant who has since revised the proposed sliding doors to wood. Staff also notes that the 5-panel slider is composed of one fixed panel at the north with two sliders at the center of the remaining four panels. Other noted concerns are addressed in the findings below.

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.

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.

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 for 1, 2, 4 and 9: The essential form and integrity of the historic resource will remain intact. No major changes are proposed to the building structure beyond the reconfiguration of some window and door openings. The majority of these changes occur on the late 1970s/1980 addition at the north end of the house. Window changes on the primary historic resource include: replacement of attic windows due to both deterioration and a desire to establish the attic as habitable space; removal of one of the east side windows due to southern expansion of the kitchen which would result in the kitchen ceiling bisecting this window which is currently located mid-way up the façade at a stair landing; and replacement of additional kitchen are not original as these are located within the walls of the porch which was enclosed after 1950. Staff also notes that only one of the five attic windows is original. Therefore, including the stair window and the one attic window, four original windows are proposed to be removed from the main body of the historic resource.

Because the applicant proposes restoration on the remaining sixteen original windows, staff believes that the essential integrity of the resource will be retained. Because of the relatively minor changes to the historic resource, which are concentrated on non-street-facing façades, the historic character of the resource will remain intact and the resource will remain a record of its time. All new windows and doors are proposed to be made of wood to match the original materials. New siding, proposed to be introduced where window openings are reduced, will match the existing siding. *These criteria are met.*

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

Findings: The existing garage with one floor of living space above was constructed in approximately 1980. This addition has not gained historic significance and the changes proposed to this addition will not have an adverse affect on the addition. The existing deck, proposed to be replaced, is also of later construction and also not of historic significance. Staff also notes that the original rear porch was enclosed after 1950 and the existing door, proposed to be removed, at this location was installed in 1980 when the garage addition was completed. *This criterion is 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 or physical treatments that may cause damage are proposed to be used. *This criterion does not apply.*

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 substantial earthwork is proposed as part of this application. *This criterion does not apply.*

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

Findings: The existing garage addition is clearly a later addition, distinguished from the main portion of the historic primarily through its roof form and relative lack of detailing. The proposed 5-panel double-slider will help to reinforce the north addition as a non-historic element of the property as it is a relatively modern opening. Because this door type is proposed on the 1970s/1980 addition and not within the body of the primary historic resource, staff believes it is a relatively appropriate introduction of this modern design element. Because the doors have been revised from aluminum-clad wood to wood, these doors are also compatible with the historic resource with regard to their material. *This criterion is 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: As is noted above, all new windows and doors will be made of wood to match the existing materials. The proposed changes are relatively minor in scope and are concentrated either on non-street-facing façades or on the 1970s/1980 addition. The proposed removal of the addition's street-facing bay window will alleviate the awkward condition created by the bay's roof which sits just beneath the primary roof of the addition, thereby making this window more subtle and generally more compatible with the existing resource and with the district as a whole. The proposed 5-panel double slider is a contemporary introduction to the building, but is proposed on a non-street-facing façade of the 1970s/1980 addition and is minimally visible from the street due to distance, elevation, and dense landscaping on this property and the adjacent property. Staff also finds that because these doors are proposed to be wood material, they are relatively compatible with the historic resource and the district. In addition, the proposed wood deck is also compatible with the district in that it is relatively small and to be constructed of wood. *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 applicant proposes relatively minor changes to the historic resource. These changes are in keeping with the historic character of the district in that the proposed material for new windows and doors is wood and the majority of the alterations occur on non-street-facing façades and on the 1970s/1980 addition. 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 in the Irvington Historic District to include:

- On the original portion of the house: on the west façade, introduction of one new wood window, just south of the addition; on the north façade, replacement of one window with one new wood window; on the east façade, replacement of a door and two existing windows with one wood window and a set of three wood windows, as well as removal of one other window. New wood windows are also proposed at the attic level, including enlargement on the north window for egress.
- At the 1970s addition at the north end of the house, replacement of existing windows on the west and north façades with new wood windows and replacement of an existing door and window with new wood sliding doors; and
- Construction of a new wood deck at the rear of the house.

This approval is per the approved site plans, Exhibits C-1 through C-16, signed and dated March 22, 2016, 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-16. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 15-280017 HR. No field changes allowed."

Staff Planner: Hillary Adam

Decision rendered by: ________ on March 22, 2016 By authority of the Director of the Bureau of Development Services

Decision mailed: March 25, 2016

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 December 21, 2015, and was determined to be complete on **February 5, 2016**.

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 December 21, 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: June 4, 2016.**

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 April 8, 2016** 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 5th 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 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 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 April 11, 2016 (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.

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
 - 1. Narrative
 - 2. Original Drawing Set
 - 3. Response to Incomplete Letter
 - 4. Applicant email, dated March 17, 2016, revising aluminum-clad wood doors to wood
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. First Floor Plan Details
 - 3. West and South Existing Elevations
 - 4. West and South Proposed Elevations (attached)
 - 5. East and North Existing Elevations
 - 6. East and North Proposed Elevations (attached)
 - 7. Basement Floor Plans
 - 8. Enlarged First Floor Plan Details
 - 9. Second Floor Plan Details
 - 10. Third Floor Plan Details
 - 11. Deck and Window Section Details

- 12. Window and Door Schedules
- 13. Hand Rail Specifications
- 14. Sliding Door Specifications
- 15. Wood Double-Hung Window Specifications
- 16. Wood Casement Window Specifications
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Life Safety Division of BDS
- F. Correspondence:
 - 1. Dean Gisvold, Chair of the Irvington Community Association Land Use Committee, on March 10, 2016, wrote noting some concerns.
- G. Other:
 - 1. Original LU Application
 - 2. Incomplete Letter, dated January
 - 20, 2016

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).





L4 15-280017 HR C-1



