



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

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Date: February 23, 2016
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 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 16-109312 HR: DOOR ALTERATIONS

GENERAL INFORMATION

Applicant/Owner: Alexis Peterka | 503.975.9528
3326 NE 11th Avenue | Portland, OR 97212

Site Address: 3326 NE 11th Avenue

Legal Description: BLOCK 85 LOT 13, IRVINGTON
Tax Account No.: R420417730
State ID No.: 1N1E26BA 05300
Quarter Section: 2731
Neighborhood: Sabin Community Assoc., contact Rachel Lee at 503-964-8417. 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 Lokye Au at 503-388-9030.

Plan District: None

Other Designations: Contributing resource (and noncontributing garage) in the Irvington Historic District, listed in the National Register of Historic Places on October 22, 2010.

Zoning: R5: Single-Dwelling Residential Zone (R5)
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 resource constructed in 1925 in the Irvington Historic District. The alterations include the following:

- Removal of the existing non-original door (and opening) on the south façade to be replaced with siding to match existing.

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

- Removal of existing non-original door on the west façade (front door) to be replaced with a wood door of the same size in the same opening.
 - Note: This door replacement is exempt from Historic Review per Portland Zoning Code 33.445.320.B.2.

Relevant Approval Criteria:

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

- 33.846.060.G *Other Approval Criteria*

ANALYSIS

Site and Vicinity:

According to the National Register of Historic Places documentation for the Irvington Historic District, the subject property is a story-and-a-half Colonial Revival Style bungalow. It was built in about 1925 and is evaluated as a contributing resource in the Irvington Historic 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 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 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 one prior land use reviews for this site.

- LU 13-240781 HR: Historic Review approval for the replacement of non-original windows to the contributing resource.

Agency Review: A Notice of Proposal in your Neighborhood was mailed on **February 5, 2016**. No Bureau comments were received.

Neighborhood Review: A Notice of Proposal in Your Neighborhood was mailed on **February 5, 2016**. A total of two written responses have been received from either the Neighborhood Association or notified property owners in response to the proposal.

1. Dean Gisvold, Committee Chair of the Irvington Community Association (ICA), February 15, 2016 in support for the proposed alterations with objections to the replacement of the existing door being exempt from review. (Exhibit F-1)
2. Rachel Lee, Chair Sabin Land Use & Transportation Committee. February 17, 2016 in support for the proposed alterations with no objections. (Exhibit F-2)

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 door being removed is not original to the contributing structure and so its removal and replacement with siding to match existing will not negatively impact the historic character of the 1925 contributing resource. The resource will remain a record of its time and in effect more accurately represent its correct architectural design through the removal of the door to be replaced with siding to match existing. *These criteria are therefore 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 existing door to be removed is not original to the contributing structure in terms of location, design, or construction and so its removal and replacement with siding to match existing will not affect or damage historic features or historic materials integral to the contributing resource. In addition, historic materials will be protected and no chemical or physical treatments, such as sandblasting, which may cause damage to existing historic materials, will be used in the removal and replacement of siding to match existing. *These criteria are therefore 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 7, 8, 9 and 10: The proposed alteration to the 1925 contributing resource, including the removal of the existing non-original door to be replaced with siding to match existing will improve the architectural compatibility of the resources through the removal of non-original features. The form and integrity of the historic resource will be better preserved and restored through the proposed alteration which will effectively removing non-original features from the structure and so return the resource to a more accurate representation of its original 1925 design. In addition, the removal of the existing non-original door to be replaced with siding to match existing will improve the architectural compatibility of the structure as siding consistent with the existing structure will be incorporated and installed in areas where there are currently non-original features contrary to the correct architectural aesthetic of 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 alterations to the 1925 contributing resource in the Irvington Historic District including:

- Removal of the existing non-original door (and opening) on the south façade to be replaced with siding to match existing.

Alterations, per the approved site plans, Exhibits C-1 through C-2, signed and Friday, February 19, 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-C.2. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 16-109312 HR." No field changes permitted.

Staff Planner: Arthur Graves



Decision rendered by: _____ **on Friday, February 19, 2016.**

By authority of the Director of the Bureau of Development Services

Decision mailed (within 5 days of dec.) Tuesday, February 23, 2016.

Procedural Information. The application for this land use review was submitted on January 22, 2016, and was determined to be complete on **February 3, 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 January 22, 2016.

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: Thursday, June 2, 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.

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.

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 **Tuesday, February 23, 2016.**

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 503-823-7617.

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:

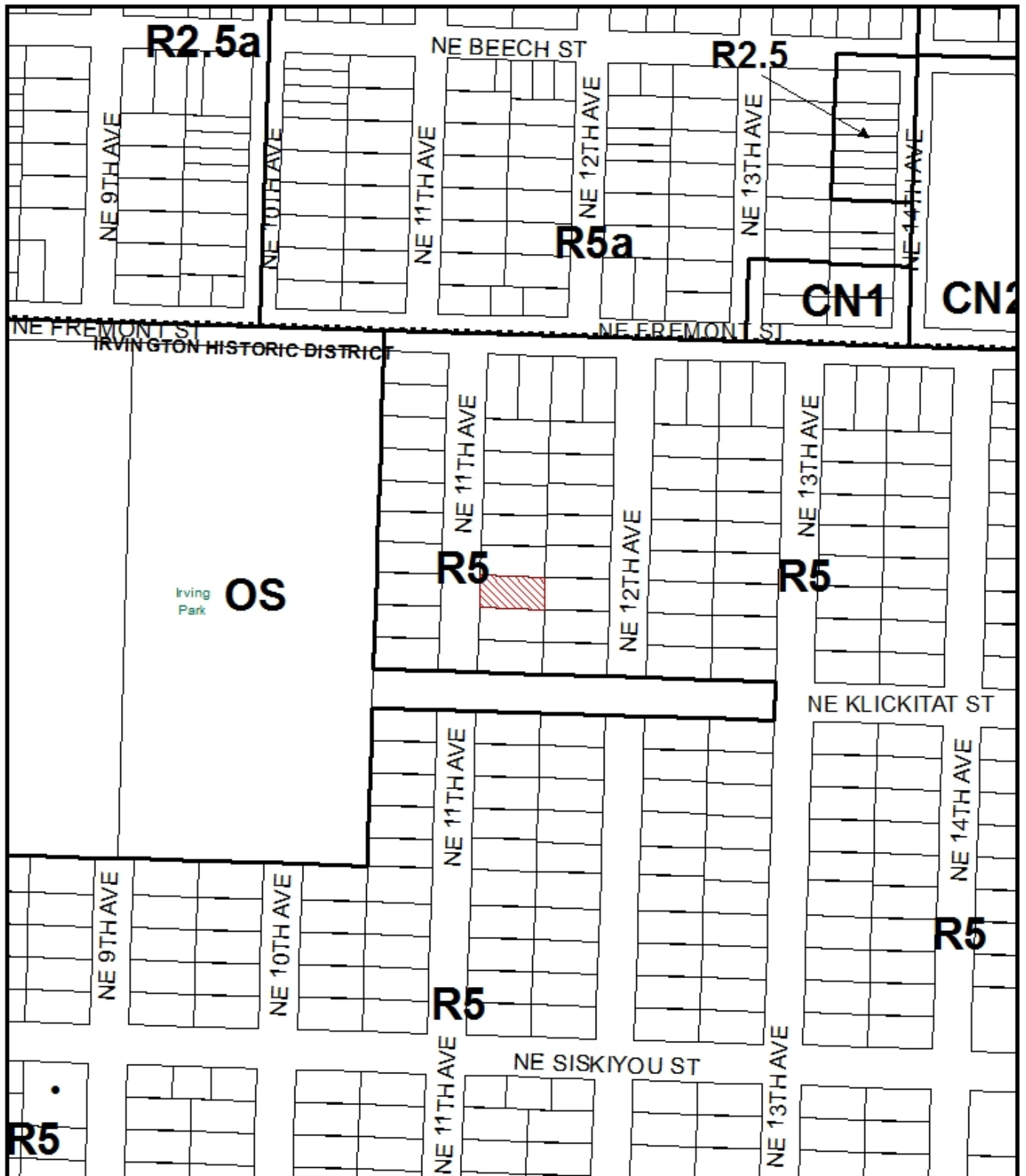
- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code for the City of Portland, and all other applicable ordinances, provisions and regulations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

EXHIBITS



NOT ATTACHED UNLESS INDICATED

- A. Applicant's Submittals
 - 1. Applicant's Statement
 - 2. Site Photos
 - 3. Cutsheet for replacement wood door which is exempt from Historic Review
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site Plan (attached)
 - 2. Detailed Site Plan (attached)
- D. Notification information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses: No Bureau responses were received.
- F. Correspondence:
 - 1. Dean Gisvold, August 13, 2015, on behalf of the Irvington Neighborhood Association.
 - 2. Rachel Lee, February 17, 2016, on behalf of the Chair Sabin Land Use & Transportation Committee.
- G. Other:
 - 1. Original LU Application
 - 2. Site Photos
 - 3. Historic Information

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

-  Site
-  Historic Landmark

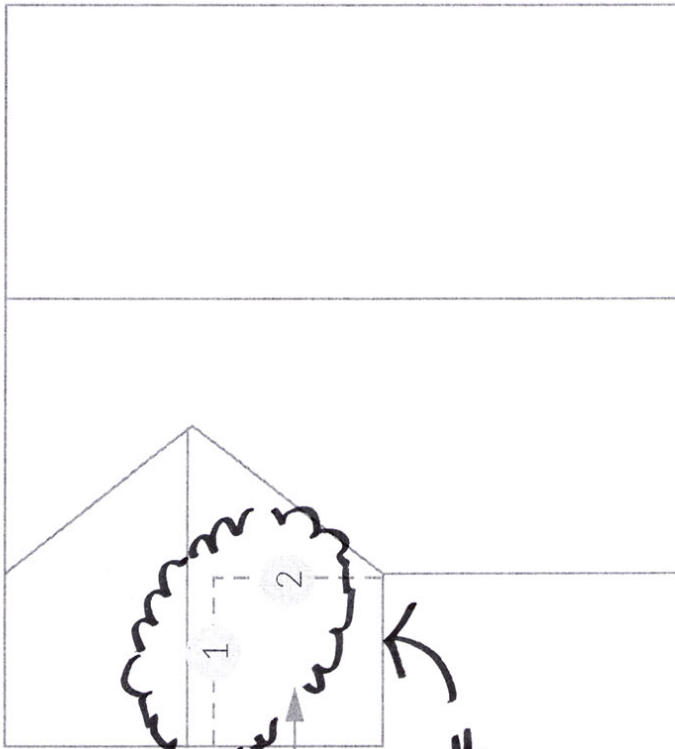
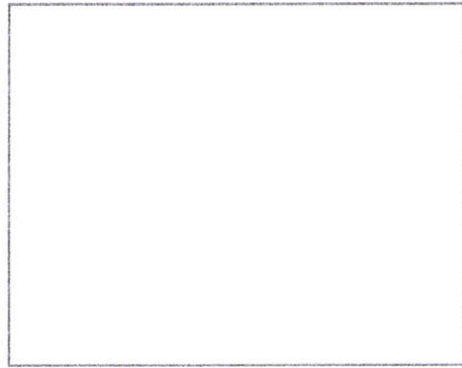
This site lies within the:
IRVINGTON HISTORIC DISTRICT



File No. LU 16-109312 HR
 1/4 Section 2731
 Scale 1 inch = 200 feet
 State_Id 1N1E26BA 5300
 Exhibit B (Jan 25, 2016)

Site Plan - 3326 NE 11th Ave

Approved
City of Portland
Bureau of Development Services
Planner _____
Date 2.19.16
* This approval applies only to the reviews requested and is subject to all conditions of approval.
Additional zoning requirements may apply.



Covered front porch

AREA OF WORK

100'

1: Door to be deleted

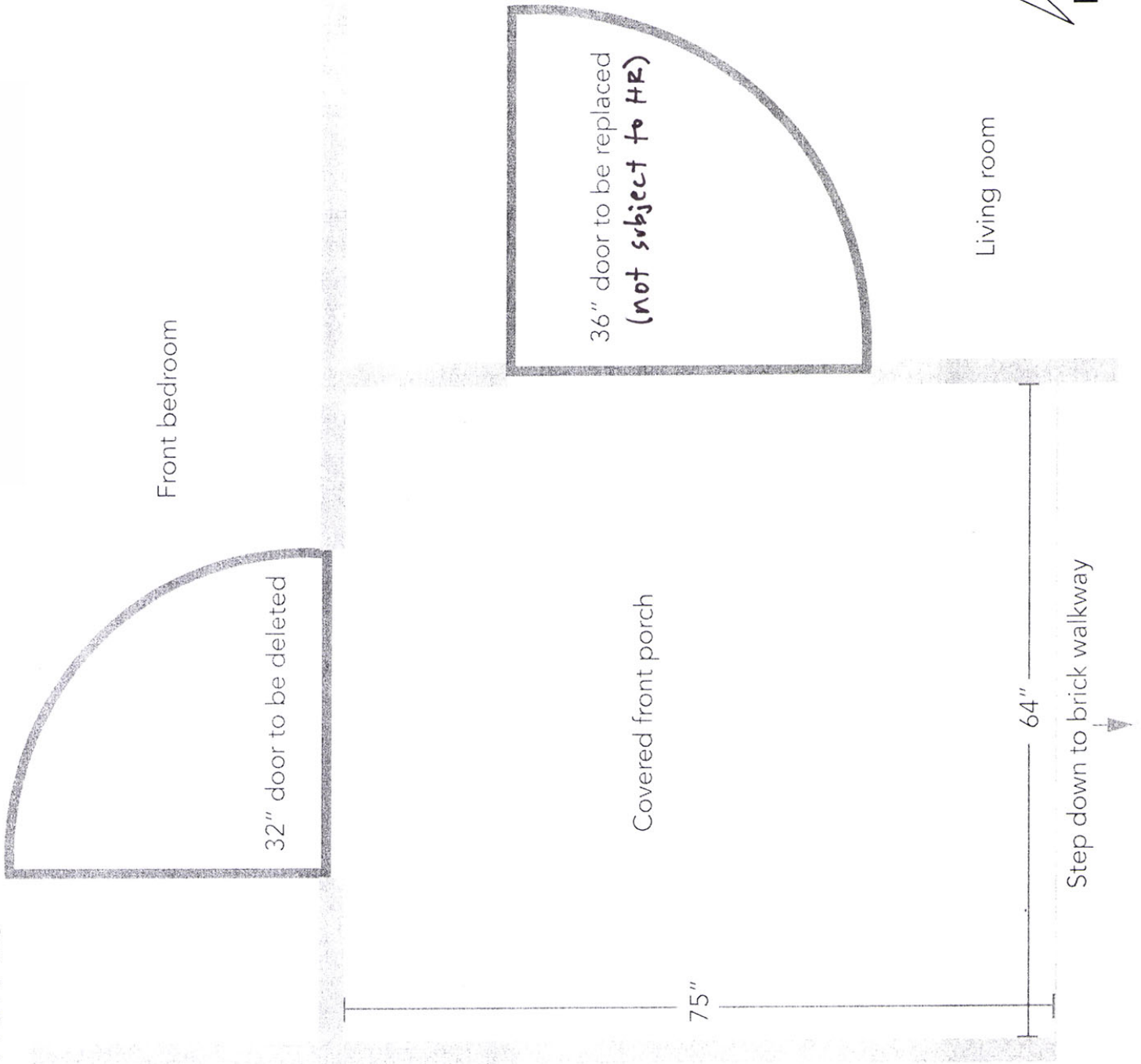
2: Door to be replaced - not subject to HR



NE 11th Ave

EXH C-1
16-109312 HR

Detailed plan - 3326 NE 11th Ave



Approved
City of Portland
 Bureau of Development Services

Planner _____

Date 2.19.16

• This approval applies only to the reviews requested and is subject to all conditions of approval. Additional zoning requirements may apply.

EXH C-2
 LU 16 - 109312 HR